

2:22-cr-00030-RFB-DJA - May 29, 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
) Case No. 2:22-cr-00030-RFB-DJA
Plaintiff,)
) Las Vegas, Nevada
vs.) May 29, 2024
) 1:20 p.m. - 4:11 p.m.
KRISTOPHER LEE DALLMAN (1),) Courtroom 7C
DOUGLAS M. COURSON (3),) JURY TRIAL
FELIPE GARCIA (4), JARED) DAY 2, PM SESSION
EDWARD JAUREQUI (5), and)
PETER H. HUBER (6),)
)
Defendants.)
) **CERTIFIED COPY**

REPORTER'S TRANSCRIPT OF JURY TRIAL, DAY 2, PM SESSION
BEFORE THE HONORABLE RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Government: **JESSICA OLIVA, AUSA**
EDWARD G. VERDONDA, AUSA
UNITED STATES ATTORNEY'S OFFICE
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336

(Appearances continued on pages 2 and 3.)

Court Reporter: Amber M. McClane, RPR, CRR, CCR #914
United States District Court
333 Las Vegas Boulevard South, Room 1334
Las Vegas, Nevada 89101
(702) 384-0429 or AM@nvd.uscourts.gov

Proceedings reported by machine shorthand. Transcript
produced by computer-aided transcription.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 APPEARANCES CONTINUED:

2 For the Government (Cont.):

3 **MICHAEL CHRISTIN, ESQ.**

CHRISTOPHER S. MERRIAM, ESQ.

4 U.S. DEPARTMENT OF JUSTICE, CRIMINAL DIVISION

1301 New York Avenue, NW, Suite 600

5 Washington, DC 20530

(202) 514-1026

6
7 For Defendant Kristopher Lee Dallmann:

8 **LaRONDA R. MARTIN, AFPD**

KEVIN ANDRE TATE, AFPD

9 **RICK MULA, AFPD**

OFFICE OF THE FEDERAL PUBLIC DEFENDER

10 411 East Bonneville Avenue, Suite 250

Las Vegas, Nevada 89101

11 (702) 388-6577

12
13 For Defendant Douglas M. Courson:

14 **PAOLA M. ARMENI, ESQ.**

AUTIN T. BARNUM, ESQ.

15 CLARK HILL

1700 South Pavilion Center Drive, Suite 500

16 Las Vegas, Nevada 89135

(702) 862-8300

17
18 For Defendant Felipe Garcia:

19 **WILLIAM H. BROWN, ESQ.**

CHRISTOPHER MISHLER, ESQ.

20 BROWN MISHLER, PLLC

911 North Buffalo Drive, Suite 202

21 Las Vegas, Nevada 89128

(702) 816-2200

22
23
24 / / / / /

25 / / / / /

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 APPEARANCES CONTINUED:

2 For Defendant Jared Edward Jaurequi:

3 **RUSSELL MARSH, ESQ.**
4 **SUNETHRA MURALIDHARA, ESQ.**
5 *WRIGHT MARSH & LEVY*
6 *300 South 4th Street, Suite 701*
7 *Las Vegas, Nevada 89101*
8 *(702) 382-4004*

9 For Defendant Peter H. Huber:

10 **KATHLEEN BLISS, ESQ.**
11 *KATHLEEN BLISS LAW*
12 *170 South Green Valley Parkway, Suite 300*
13 *Henderson, Nevada 89012*
14 *(702) 318-7375*

15 -and-

16 **MILAN CHATTERJEE, ESQ.**
17 *MILAN'S LEGAL*
18 *3172 North Rainbow Boulevard, Suite 1406*
19 *Las Vegas, Nevada 89109*
20 *(702) 538-3749*

21 * * * * *

22 **I N D E X**

23 **OPENING STATEMENTS**

24	<i>Ms. Martin on behalf of Kristopher Dallmann</i>	<i>Page 140</i>
25	<i>Ms. Armeni on behalf of Douglas Courson</i>	<i>Page 147</i>
	<i>Ms. Bliss on behalf of Peter Huber</i>	<i>Page 152</i>
	<i>Mr. Marsh on behalf of Jared Jaurequi</i>	<i>Page 159</i>
	<i>Mr. Brown on behalf of Felipe Garcia</i>	<i>Page 167</i>

26 / / / / /

27 / / / / /

2:22-cr-00030-RFB-DJA - May 29, 2024

I N D E X C O N T .

<u>Government's Witness:</u>	<u>Page</u>
<u>TIM LYNCH</u>	
<i>Direct Examination by Mr. Christin</i>	180

* * * * *

E X H I B I T S

<u>EXHIBIT NO.:</u>	<u>OFFERED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
Gov't 202	189	189	

* * * * *

2:22-cr-00030-RFB-DJA - May 29, 2024

1 LAS VEGAS, NEVADA; WEDNESDAY, MAY 29, 2024; 1:20 P.M.

2 --o0o--

3 P R O C E E D I N G S

4 **THE COURT:** Please be seated. Are we ready to go?

5 **MS. MARTIN:** Yes, Your Honor.

6 **THE COURT:** Whoa. You're definitely ready to go.

7 **MR. MARSH:** Your Honor, can I raise something
8 before --

9 **THE COURT:** Hang on a second. Yes.

10 **MR. MARSH:** I just wanted to raise again the use of
11 the term piracy because I heard it a bunch of times in the
12 Government's opening.

13 **THE COURT:** And raise what? I mean --

14 **MR. MARSH:** Well, I mean, I don't think that it's
15 something that should be used. It has a lot of connotations
16 that have nothing to do with copyright law, and I'm just
17 lodging that objection, Your Honor. That's all. I'd like to
18 ask that you instruct them not to use it, but that --

19 **THE COURT:** Instruct them not -- so when you say --
20 what do you think is the confusion, Mr. Marsh, as it relates
21 to the issue of sort of piracy in this case? Because I'm
22 going to give the instruction on copyright law. I'm going to
23 tell them this is what the law is; right? And so tell me a
24 little bit about what it is -- your concern in terms of the
25 term specifically?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 **MR. MARSH:** Well, I mean, I'm not going to give an
2 opening where I, you know, have a parrot and one wooden leg
3 and say argh all the time --

4 **THE COURT:** Right.

5 **MR. MARSH:** -- but --

6 **THE COURT:** I would like to see that opening, but
7 yes. But is the point that the term is both vague but also
8 potentially prejudicial? Because, I mean, that seems --

9 **MR. MARSH:** Exactly.

10 **THE COURT:** -- to me, that the concern is that the
11 term is potentially not a legal term but nonetheless a
12 negative term. And so I can appreciate that concern.

13 What I will say is this, Mr. Christin. I didn't
14 realize that it was going to be used quite so extensively in
15 your opening, but I am going to instruct you not to use the
16 term in the future.

17 Now, if a witness comes in and talks about what is
18 what our division or department does -- I think it was like an
19 anti-piracy individual?

20 **MR. CHRISTIN:** Yeah.

21 **THE COURT:** That's different because then they're
22 talking about their work, but I don't know if it's going to
23 come up in any of your questions but let's avoid the use of
24 that term.

25 **MR. CHRISTIN:** Your Honor, if I -- if I may say, one

2:22-cr-00030-RFB-DJA - May 29, 2024

1 of the places that they were going to get content is called
2 Pirate Bay. This is a common term used in the industry when
3 copyrights are stolen. People are -- so there's Pirate Bay.
4 There's people that work at the anti-piracy units. I mean,
5 this is a very common term --

6 *(Simultaneous crosstalk.)*

7 **THE COURT:** But -- so, Mr. Christin, I understand
8 that. My concern is that copyright infringement and piracy
9 are not the same thing, right, in terms of how people may
10 understand it. People may understand piracy simply as
11 illegally copying or using or downloading particular material.
12 That's not actually what's charged here; right?

13 So piracy is different. In fact, there are
14 anti-piracy -- separate anti-piracy potential statutes. My
15 concerns about the term being particularly ill-defined -- or
16 not ill-defined but undefined but nonetheless having negative
17 connotations. If it comes up in a specific use -- for
18 example, Pirate Bay or something else -- that's different. In
19 the context of your opening, I think you used it as a more --
20 at times it appeared to be more sort of a generic sense of
21 sort of illegally copying or retrieving material.

22 Now, I'm going to give them an instruction on that
23 and so they'll understand that. I'm just saying, moving
24 forward, let's not use the term piracy unless a witness for
25 the Government uses that term. Okay?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 **MR. CHRISTIN:** Yes, Your Honor. We'd like to -- the
2 opportunity to readdress this argument before closings.

3 **THE COURT:** That's fine. Again, if it comes up in
4 the content of a particular witness or evidence, Mr. Christin,
5 if you can explain to me why it's necessary to use the term,
6 I'm happy to consider it. And so it may be something we have
7 to do when it comes up in a particular witness' testimony or
8 the particular exhibits. I'm happy to reconsider it then as
9 the evidence comes in.

10 **MR. CHRISTIN:** Thank you, Your Honor.

11 **THE COURT:** All right. Okay. Anything else before
12 we bring in the jury? And, again, so we're just going to go,
13 again, from Ms. Martin to -- Ms. Armeni or Mr. Barnum, who's
14 going to be doing the opening?

15 **MS. ARMENI:** It's me, Your Honor.

16 **THE COURT:** And then who's going to be doing the
17 opening for Mr. Huber?

18 **MS. BLISS:** I will, Your Honor.

19 **THE COURT:** And for Mr. Jaurequi?

20 **MR. MARSH:** I will today, Your Honor.

21 **THE COURT:** Okay. And then Mr. Brown. Okay. So
22 we'll just hand off -- are you all going to use the lapel mic
23 or who's going to -- is anyone going to use the podium?

24 **MS. BLISS:** I'm going to use the podium, Your Honor.

25 **THE COURT:** Okay. All right. Okay. We'll bring the

2:22-cr-00030-RFB-DJA - May 29, 2024

1 jurors in.

2 (Jury in at 1:26 p.m.)

3 **THE COURT:** Please be seated.

4 I will say to you, I admire you -- you come in in the
5 proper order each time. I can tell you some jurors it's taken
6 them days to figure this out, but you-all, from day 1, the
7 first time you came in, you came in in order. So you-all are
8 doing great.

9 We are now going to hear from the defendants in terms
10 of their opening statements. We'll start with counsel for
11 Mr. Dallmann, Ms. Martin.

12 **OPENING STATEMENTS FOR MR. DALLMANN**

13 **MS. MARTIN:** He toed the line, but he didn't believe
14 that he crossed it. He toed the line, but he didn't believe
15 that he crossed it. Kristopher Dallmann toed the line as a
16 businessman, but he didn't believe that he actually infringed
17 on the copyrights of others.

18 Now, the Government has told you part of the story.
19 I'd like to tell you what else you will learn.

20 Kristopher Dallmann struggled in his young years. As
21 a teenager, he was gay. And, unfortunately, his family was
22 disappointed, so much to the point that they threw him out of
23 the house. So when he entered the world as a young man at the
24 age of 18, he entered it alone. But Kristopher Dallmann is no
25 stranger to hard work. He's no stranger to getting jobs.

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Having to provide for himself, he took on various jobs. He
2 went door to door selling vacuums. He worked in restaurants.
3 He even worked in the bath bath -- bath, back, and body
4 industry. He did what he needed to do to provide for himself.

5 But as a young man going through these things dealing
6 with the fact that he was rejected by his family, it took its
7 toll. He became a little downtrodden. In fact, he found
8 himself homeless. But by the kindness of a gentleman who came
9 across Mr. Dallmann, he helped him get on his feet, gave him a
10 place to stay, gave him food to eat, helped him find a job.

11 And because Dallmann is no stranger to hard work, he
12 excelled. He did well at Bed Bath & Beyond. He moved on to
13 another company in the same industry, Melt (phonetic), and did
14 well there, too. He became a manager. And he's like, hmm.
15 As much as he enjoyed working for others, Kristopher Dallmann
16 always wanted to be an entrepreneur. He always wanted to have
17 his own business. Well, why not try that in Las Vegas,
18 Nevada? Now, see, I had to make sure I said Nevada because
19 I'm not from here and they told me Nevada is wrong; right? So
20 Nevada.

21 In order to create his own business, what he did was
22 he taught himself how to repair computers. Now, don't confuse
23 repairing computers with being an IT guru, but he did excel at
24 repairing computers. In fact, he came across a young lady who
25 needed her computer repaired, and he did just that. And he

2:22-cr-00030-RFB-DJA - May 29, 2024

1 did such a great job that she introduced him to another
2 company, an aviation company, that, as the Government said,
3 asked if he could create some type of platform program where
4 they could make their customers more comfortable by watching
5 movies on the flight to the next destination. It worked out
6 well. This was Mr. Dallmann's idea.

7 So trying to get that business off, you know, to a
8 great start, he had other ideas. He thought, hmm, since that
9 went so well, maybe -- maybe I can offer some type of
10 streaming something -- something to other people who either
11 couldn't, didn't know how, wanted to be able to watch
12 different episodes.

13 Now, remember, what the Government didn't tell you is
14 that, when the streaming business came along, Netflix wasn't
15 streaming. Hulu wasn't streaming. This was his novel idea.
16 Huh, let's -- let's try that. He tried. Now, remember, I
17 said Mr. Dallmann was a repairman, a computer repairman. I
18 didn't say he was an IT guru. So he needed help.

19 While working at an aviation -- or working with an
20 aviation service, Mr. Dallmann came across Darryl Polo. See,
21 the Government wants you to believe that it was Mr. Dallmann's
22 great idea, but it was really Darryl Polo. See, Darryl Polo
23 was just there to help assist, but, remember, it wasn't going
24 as well. And so Mr. Dallmann asked, can you -- can you help
25 make it better or something? It's just not working well.

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Because back in the early 2000s, remember, there was
2 only 3G. There were limited phone plans. So we didn't have
3 unlimited access to the Internet as we do now. So things were
4 a little difficult. And Darryl Polo said, oh, okay -- now,
5 these are just words to the effect, obviously not the exact
6 words -- oh, so you want me to help get this started? Okay.
7 Let's see what I can do. Because Darryl Polo is the IT guru.
8 So Darryl Polo, working from his home, is doing what he needs
9 to do to try to get the business running better.

10 Now, obviously, I'm just an attorney so you can tell
11 I don't do computer stuff, but he put in his codes, his
12 scripts. But he wasn't the type to share because he didn't
13 want folks to take what he was doing probably because -- and
14 you'll decide whether or not this is true -- probably because
15 Polo always had the intent to take this whole concept and make
16 it his own. In fact, that's exactly what he did.

17 He took everything he put into Jetflixs and snatched
18 it back and started his own business, iStreamItAll. He
19 started iStreamItAll. And when he left Jetflixs, he crippled
20 them. He crippled them, and the business went down. And as
21 much as Mr. Dallmann tried to get it back, it just didn't work
22 the way it worked when Polo was there.

23 Now, fast-forwarding to 2017, [sound], there was a
24 knock at the door. It was early in the morning. Mr. Dallmann
25 [sound] opens up, and who's there but the FBI. Oh, we believe

2:22-cr-00030-RFB-DJA - May 29, 2024

1 that there's someone engaging in copyright infringement, we
2 need to search your home. Are you sure you have the right
3 house? Yes, we believe we have the right house, and we need
4 to search your home.

5 Mr. Dallmann allows them in, and they search the
6 home. And they search for whatever media they can find that
7 might have television, movies, whatever, that they're looking
8 for in the warrant in the home.

9 Now, one of the -- or two of the items that they
10 needed to collect were the iPhones, and the iPhones belonged
11 to Mr. Dallmann. And for some reason the experts -- the
12 Government's experts on site couldn't access the phones. So
13 they said, Mr. Dallmann, can we have your passcodes? Well,
14 believing that he was operating a legitimate streaming
15 business, what does he say? Of course, the passcodes are one,
16 two, three, four, five -- or whatever they were -- and they
17 were able to access the phones.

18 They were like, well, we can't seem to image it so
19 we're going to have to take the phones with us. Mr. Dallmann
20 asked, well, I kind of need the phones. Oh, we promise we'll
21 bring them back, we'll bring them back. And they did. Four
22 days later, they brought them back.

23 Meanwhile, Mr. Dallmann, putting his home back
24 together after the search, he comes across another piece of
25 media that the search team, despite being there for hours,

2:22-cr-00030-RFB-DJA - May 29, 2024

1 left behind. So when the two agents showed back up with the
2 phones, [sound], Mr. Dallmann, we have your phones.
3 Mr. Dallmann says, oh, by the way, you know, you guys, I found
4 this piece of media that you-all missed and maybe you can use
5 this and find out what's on this to help you-all because he
6 believed he was operating a legitimate streaming service. He
7 handed them the piece of equipment. And you're going to hear
8 about that equipment later.

9 Now, the Government talked about two letters that
10 were received. Now, remember, this indictment ranges from, as
11 the Government said, over a decade; 2007 to 2017. And they
12 talk about some letter warning that was sent in 2011 and
13 another one in 2012, but what they didn't say and that you
14 will learn is that between 2007 and 2010, heard nothing from
15 anybody; not HBO, not the MPAA, not any copyright holder.
16 From 2013 to 2017, they didn't hear anything from the
17 copyright holders. Just some warnings that have no real legal
18 significance. Not a call, not a lawsuit, not a
19 knock-and-talk, not a anything. And that these type of
20 information, eh, you know, what -- what did they really
21 provide? You will decide was that enough.

22 Now, at this stage in the case, I'm going to have to
23 reiterate some of the things that the Court talked about. You
24 all each had notebooks. This case is going to last some weeks
25 so we really ask that you take notes because what you hear

2:22-cr-00030-RFB-DJA - May 29, 2024

1 this week you may not remember four weeks from now. We ask
2 that you pay attention. It's going to be a lot of exhibits, a
3 lot of evidence, a lot of witnesses. We need you to be able
4 to take notes as to what each of the witnesses said.

5 What I really want you to pay attention to is that
6 box right there (indicating). I want you to watch when the
7 witnesses testify and see are they [indiscernible]. Because,
8 see, the truth is the truth. Are they fair in their
9 testimony, whichever attorney asks the questions, whether it
10 be the prosecution or the defense? Keep an eye out on that
11 type of credibility.

12 Oh, one more thing. The Government will not be able
13 to show -- oh, wait, they're still listening. We believe
14 you'll be able to glean it for yourself, and when my trial
15 partner comes back, Mr. Tate, he will talk to you all about
16 this. And it will be at that point that we ask for the only
17 just verdict in this case, ladies and gentlemen. Because
18 Kristopher Dallmann believed he was operating a legitimate
19 streaming business because Kristopher Dallmann did not
20 willfully infringe on the copyrights of others, and because
21 Kristopher Dallmann was not trying to conceal or disguise any
22 aspects of his business. The e-mails were in his name. The
23 business was in his name. The business was in his home. He
24 advertised. There was nothing to disguise about this
25 business; it was open.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 And those verdicts, ladies and gentlemen, will be for
2 verdicts of not guilty.

3 **THE COURT:** Thank you, Ms. Martin.

4 Ms. Armeni, we'll take a moment to pass the
5 microphone.

6 **MS. ARMENI:** We have to switch. Sorry. Technical
7 challenge.

8 **THE COURT:** That's all right. Take your time.

9 **OPENING STATEMENTS FOR MR. COURSON**

10 **MS. ARMENI:** Convenience does not equal agreement.
11 The Government will have to prove beyond a reasonable doubt
12 that Douglas Courson agreed with at least one person to commit
13 a crime: Criminal copyright infringement.

14 Twelve years ago in 2012 Doug was in his early 50s.
15 He hit hard times. His relationship of 20 years collapsed.
16 He had no job, no income and he had no place to stay, and
17 Kristopher Dallmann stepped up and helped him. Kris had known
18 Doug for several years back from Denver, Colorado, and Doug
19 actually helped Kris when Kris hit hard times helping him find
20 a job and giving him a place to stay, the kindness of a
21 gentleman.

22 So Kris offered Doug a place to stay and an
23 opportunity to make some money at his business, Jetflicks.
24 Jetflicks -- at the time that Doug got involved, Jetflicks had
25 been around for many, many years being in business.

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Conveniently, Doug would live and work at 2216 Tona Circle,
2 which was where Jetflicks was running out of the business.
3 2216 Tona Circle was a modest home. It had three bedrooms.
4 Doug occupied one bedroom, and the two other bedrooms were for
5 an office. Doug shared an office with Peter Huber.

6 Doug, when he started at Jetflicks, received the
7 title director of aviation. The role of director of aviation
8 was a perfect fit. Doug had received his bachelors in
9 aviation aerodynamics from the University of Illinois, and
10 when he graduated from college, he spent about 12 years as the
11 director of a flight school. So even though Doug had been
12 away from aviation for quite awhile, this opportunity was
13 convenient because it gave him -- it allowed him to go back to
14 something he knew, something he was familiar with. And that
15 was important at that point in his life where he had hit such
16 hard times and it was just a difficult time.

17 Over the years, Doug taught himself graphics, Adobe
18 Illustrator. He learned how to use Adobe Illustrator, and so
19 that also played a role when he started at Jetflicks.

20 Originally, as you've heard, Jetflicks was supposed
21 to be an in-flight entertainment system; hence, director of
22 aviation. But as some businesses go, businesses don't always
23 go so great, and so you have to come up with some other ideas.
24 And that came, the Jetflicks and the streaming.

25 Doug had a couple roles. He helped out where he

2:22-cr-00030-RFB-DJA - May 29, 2024

1 could, where his experience allowed him. Doug does not have
2 any experience in programming or coding or computers or IT.
3 His two primary roles when he was at Jetflicks was graphics
4 and then helping with the content, the shows. So with
5 graphics, like I shared with you, his -- his passion or his
6 fun time was the -- the Adobe Illustrator. So he would use
7 the Adobe Illustrator to make buttons that they would put on
8 the Jetflicks website.

9 As far as the processing shows, it was a step-by-step
10 process for him. Not a lot of IT needed for that, and so he
11 would be given a list of shows, he would get the shows, he
12 would download them into a interface, and then the interface
13 was actually something that was done by somebody other than
14 Doug. Doug did not make the interface. He just followed the
15 directions essentially. And he would put the show in and then
16 the search mechanism would go out into the web and would hit
17 these websites, and then that's how they would get the content
18 of the shows, the websites that all of us can go to. They are
19 public websites.

20 Jetflicks, as you heard, is open to the public. You
21 know, they weren't trying to hide. They did charity events
22 and just ran out where everybody could see them, plain view.

23 Now, for Doug helping out he was paid minimally. And
24 what I mean by minimally is, when you do the math, when you
25 hear about how much he was making, it equals about \$275 a week

2:22-cr-00030-RFB-DJA - May 29, 2024

1 for his work from the middle of 2012 through April of 2015.

2 So, in total, he made \$46,000, around that.

3 In late 2014 Doug realized he needed a change, and so
4 in April of 2015 he applied for Target and got a job at
5 Target. And, today, that's still where he works.

6 So a couple months after Doug started working -- and
7 Ms. Martin had shared with you how important it is. This
8 trial is going to take us a little bit of time, and you're
9 going to hear a lot of information. But what I will tell you
10 is dates are going to be very important in this case, and so
11 when you're listening to the witnesses, you're going to want
12 to make a note of what dates those are.

13 Towards the end of 2015, early 2016, Jetflicks
14 transitioned out of 2216. So it was no longer running its
15 business in 2216. Doug remained. Kris allowed Doug and his
16 dog to remain in 2216 even after he started working at Target
17 and even after the business left 2216.

18 Now, despite that, there's no surprise -- Doug and
19 Kris had a history, had known each other -- and so they still
20 communicated, and Doug helped out at times when needed.
21 Convenience does not equal agreement.

22 Now, we've heard about these two letters, and you're
23 going to see them more as the evidence in this case transpires
24 and there's people on the stand to tell you about these
25 letters. But what you'll notice is the first letter -- again,

2:22-cr-00030-RFB-DJA - May 29, 2024

1 I was talking about dates and how important dates are. The
2 first letter allegedly was sent when Doug wasn't even working
3 for Jetflicks or living at 2216. And the second letter
4 doesn't have 2216 on it, doesn't have Doug's name on it,
5 doesn't have Doug's e-mail address on it. Doug did not
6 believe that Jetflicks was illegal.

7 The Government has to prove beyond a reasonable doubt
8 that a crime was committed. Here, felony criminal copyright.
9 They have to show that there's an agreement. There will be no
10 evidence of an agreement because convenience is not an
11 agreement.

12 At the end of this case, we'll stand up before you
13 and we will ask you to find Doug Courson not guilty.

14 **THE COURT:** Thank you, Ms. Armeni.

15 Ms. Bliss.

16 **MS. BLISS:** Thank you, Your Honor.

17 **THE COURT:** Ms. Armeni, if you want to turn it off --

18 **MS. ARMENI:** I am, Your Honor. Sorry. Just a little
19 slow.

20 **THE COURT:** No, that's all right. You're fine.

21 **MS. BLISS:** I don't know if I need it, Your Honor.

22 **THE COURT:** Well, I mean, if you're going to use --
23 you have to choose, Ms. Bliss. Because it's a little bit
24 difficult -- if you wear it, you're going to get feedback. So
25 are you're going to use it or not? You can use the podium.

2:22-cr-00030-RFB-DJA - May 29, 2024

1 You can use either one. I just think it -- it's a little
2 tricky. I think if it gets close to the other microphone, it
3 may get feedback. That's my concern.

4 **MS. BLISS:** Oh. I'm not going to use it.

5 **THE COURT:** Oh. Then okay. You can put it away. I
6 thought you said --

7 **MS. BLISS:** No, no, no. I'm just going to use the
8 podium.

9 **THE COURT:** Oh, okay. I'm sorry.

10 **MS. BLISS:** I know it's hard to believe, but I will
11 be corralled today.

12 **THE COURT:** Okay. So then we can just hand it to
13 whoever's going to use it next.

14 **MS. BLISS:** The only caution I have is I'm not going
15 to fall into a hole literally or figuratively.

16 **THE COURT:** Okay. Be careful there.

17 **MS. BLISS:** I will.

18 **OPENING STATEMENTS FOR MR. HUBER**

19 **MS. BLISS:** Ladies and gentlemen, my name's Kathleen
20 Bliss, and I represent Peter Huber. Peter Huber never agreed
21 with anyone to willfully download copyrighted material.

22 Willfully is going to be the touch-tone of this case,
23 and willfully means that you have to know that something's
24 wrong, that you have to know that something's illegal. And
25 with a conspiracy, you specifically have to know that you or

2:22-cr-00030-RFB-DJA - May 29, 2024

1 somebody else you're working with willfully violated the
2 copyright laws in this case.

3 Was Peter Huber an employee of Jetflixs? Yes, from
4 late -- or mid 2012 to late 2015. I think that the
5 termination date was January 5th, 2016. Those dates are
6 really, really important because that's going to give you a
7 sense of what, if anything, Mr. Huber knew. And I submit he
8 had no idea that anything was wrong or illegal or that his
9 programming furthered any type of crime.

10 As I said, being an employee is not enough, ladies
11 and gentlemen, especially an employee like Mr. Huber. You'll
12 hear testimony and you'll see evidence that Mr. Huber is
13 Hungarian. That's his birth language. That he stayed to
14 himself. There are even some employees out there who didn't
15 even know if Peter spoke English. No, he -- he kept to
16 himself. He left in late 2015 because he hadn't been paid for
17 months, and now he drives a taxi.

18 Little bit of context here, too. Because the
19 Government's wide-net theory presupposes that just being an
20 employee at Jetflixs means you did something wrong. It's
21 just not the case.

22 And ladies and gentlemen, as the Government rolls out
23 hundreds of exhibits they plan on introducing, you're hardly
24 ever even going to see mention of Peter. Maybe a CC here or
25 there, fix this or that. But there are literally hundreds of

2:22-cr-00030-RFB-DJA - May 29, 2024

1 exhibits that predate his employment and certainly postdate it
2 that have absolutely nothing to do Peter -- with Peter.

3 He kept to himself, he did his job, and in some
4 respects he was an outsider.

5 A little bit more about that. Mr. Huber was born in
6 Transylvania. Transylvania was a province of Romania. But
7 he's Hungarian. His family was Hungarian. His grandfather
8 was a Baptist minister. He was engaged and married to a
9 German woman. In Romania, during those times -- which it was
10 a Soviet Bloc country. It was run by a dictator --

11 **MR. CHRISTIN:** Your Honor --

12 **MS. BLISS:** -- and in those days --

13 **MR. CHRISTIN:** Your Honor, I'm going to object.

14 **THE COURT:** The objection being, Mr. Christin?

15 **MR. CHRISTIN:** Relevance, Your Honor. We're talking
16 about the Soviet Union right now.

17 **THE COURT:** Ms. Bliss?

18 **MS. BLISS:** Well, it's part of the background of
19 Mr. Huber.

20 **THE COURT:** Is this evidence that's going to come in
21 through --

22 **MS. BLISS:** Yes. I have a good-faith belief that it
23 will.

24 **THE COURT:** I'll allow it. Go ahead.

25 **MS. BLISS:** It's important, ladies and gentlemen --

2:22-cr-00030-RFB-DJA - May 29, 2024

1 and there will be objections like relevance, and the judge is
2 going to instruct you on what's relevant and what's not.
3 That's for you to decide. And what's relevant is to
4 understand what Peter's role was and why, why he kept to
5 himself.

6 In Romania, during this time frame of oppression and
7 hate and discrimination against Hungarians, Mr. Huber, though
8 educated at university there in mathematics and informatics --
9 it's like information systems, like computer science. By
10 1983, things were getting so bad that he knew he had to leave.
11 And so he took his wife and they entered Yugoslavia. And in
12 Yugoslavia they were both captured and held in a detention
13 camp for three weeks. Ultimately, his wife went to Germany.
14 Peter was there being held in an asylum camp by this time. He
15 made a decision to escape because he knew things were not
16 going to go well. So somehow he escaped. He hitchhiked on a
17 VW Microbus, if anyone remembers those. It had German plates.
18 He was dropped off by the Austrian border, and he sneaked
19 through the forest and made it back to Germany.

20 Now, with his background in math and computer
21 science, information systems, he was able to get a job, and he
22 worked at companies like Siemens and BMW, Adidas. Back in
23 those days they used punch cards. There was no such thing as
24 the Internet. We're talking 1983 and beyond. They used punch
25 cards. Somebody would pick them up, they would take them to a

2:22-cr-00030-RFB-DJA - May 29, 2024

1 lab, and that's how they were processed.

2 By 2000 Mr. Huber, his marriage had failed, and he
3 met Agnes. And you'll hear her name because Agent Cox
4 interviewed Agnes and Peter together. I'm sure you'll hear
5 about that and the little checklist that Mr. Cox followed in
6 conducting his interviews. They came to Las Vegas in 2006.
7 Agnes had already lived here. Her marriage to someone in the
8 United States hadn't worked out either, but they came in 2006
9 on April 15th, and they were married the next day, on the
10 16th.

11 Mr. Huber worked projects to projects. It's
12 important also to understand the industry from which he came.
13 These projects were narrow. There was a task that was
14 assigned. You complete that task. You either move on to
15 another project, or you look for another job where a project
16 is needed with his skill set. After he had finished a project
17 in San Diego -- he had been commuting back and forth -- he saw
18 an ad on Craigslist requiring certain skills, skills that he
19 had, skills that required programming experience and things
20 like PHP. You may hear that term. Or CSS, HTLM [sic], MySQL
21 databases, mobile app development, API integration, Lynx.
22 Those are programming software terms that he used and was
23 capable of doing. You won't hear anything about Usenet or
24 Pirate Bay or any -- anything like that. It -- that was just
25 software that was not something he was even familiar with.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 So he applies for a job 2012 with Jetflicks. He'd
2 also applied for a job at Allegiant Air, but he took the job
3 at Jetflicks and Allegiant Air was two days too late.

4 As you heard, there was a concept about the aviation
5 component, and that's why Peter was hired. And that was to
6 create the ability for people with private jets to play their
7 own DVDs on a box while they flew around. And so that's what
8 he worked on for a year. He worked on it with others,
9 including a man whose name you'll probably hear or see, Grant
10 Dunmire. And they worked on this project. And, yes, it's
11 true it didn't -- it didn't work out. There were two
12 customers; it didn't work out.

13 But around March of 2013 this person, Polo, Darryl
14 Polo, he had left the company, and Mr. Dallmann asked
15 Mr. Huber, Peter, to come and work on the network that had
16 already been set up. I think the Government said that Peter
17 created the website. He did so such thing. Things were
18 already in process. Maybe it was just a -- a misstatement or
19 I misheard it. But less there be no confusion, Peter came in
20 and everything was already operating.

21 He worked on the interface with customers, yes, and
22 he also facilitated the transfer of libraries that had been
23 created to servers in Canada for customers with access of
24 that, the material, the content they wanted.

25 But I submit that knowing that a library exists,

2:22-cr-00030-RFB-DJA - May 29, 2024

1 knowing that there's content, that -- that's not in and of
2 itself a violation of the law. How would you know? If you
3 see a title, how would you know?

4 Well, the way you're probably going to hear about it
5 is through this person, Darryl Polo. You've already heard a
6 little bit about him. But Darryl Polo is cooperating with the
7 Government, and Judge Boulware will instruct you about what
8 that means when someone has an agreement with the Government
9 to help them out. And let's be perfectly clear. This man has
10 a lot to lose, and he is definitely -- he's already -- he's
11 already -- well, let's just put it this way. You don't have
12 to believe a single word that comes out of Mr. Polo's mouth.
13 And the judge will instruct you about how you assess his
14 testimony, and I submit to you the only person the Government
15 has partnered up with who can demonstrate this knowledge and
16 willfulness the Government's going to try and convince you of
17 is none other than Mr. Polo.

18 Now, I want you to think about it in these terms,
19 too, about Peter's role. Back to that role and what he was
20 doing. Think of it in terms of him being hired on as a
21 mechanic for a company that has a fleet of vehicles. Okay?
22 And he -- he maintains the fleet, he works on the fleet, but
23 that doesn't mean you know that perhaps the -- the engine on
24 one of those trucks was stolen and installed. That doesn't
25 mean that you know somebody at the company used that vehicle.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Like -- someone comes to mind -- but used that vehicle to
2 steal something. That's just not enough. Being an employee
3 is not enough, knowing that there are libraries, knowing there
4 are customers, especially with a company that's done nothing
5 to hide itself.

6 Ladies and gentlemen, when you assess this -- and
7 there are going to be so many exhibits that come in, and you
8 may get so tired of me objecting because it has nothing to do
9 with mister -- Mr. Huber. You'll hear the judge instruct you
10 about limited use of certain exhibits or evidence, that it --
11 that it may apply to some people but not others. It can get
12 pretty darn confusing, I think, so pay attention to it. Pay
13 attention to the content -- the context of what a -- an e-mail
14 or a text may say. Pay attention who's going to explain that
15 context for the Government's theory.

16 And when you assess all of this, I'll come back and
17 I'm going to ask you to find Mr. Huber not guilty because he
18 was just an employee who kept to himself and just did his job.

19 **THE COURT:** Thank you, Ms. Bliss.

20 Mr. Marsh.

21 *(Pause in the proceedings.)*

22 **MR. MARSH:** Can you hear me? Great.

23 **OPENING STATEMENTS FOR MR. JAUREQUI**

24 **MR. MARSH:** I know it's been a long day already with
25 no lunch. It was a long day yesterday. All right? But what

2:22-cr-00030-RFB-DJA - May 29, 2024

1 you're doing is very important, and it's very important to my
2 client, Jared Jaurequi -- and I -- did I say it wrong again?

3 **MR. JAUREQUI:** You got it.

4 **MR. MARSH:** All right. I'm going to call him Jared
5 because I keep getting his name wrong. And when I do that, he
6 has the same reaction that some of you do when Ms. Martin was
7 talking earlier about saying Nevada; right? So I'm not going
8 to do that to Jared.

9 And I'm going to call his husband, Kristopher
10 Dallmann, Kris or Kristopher. Okay?

11 And like Mr. Dallmann, Jared had a tough time growing
12 up. Although he was born in Southern California, his family
13 moved when he was in fifth grade to Fallon, Nevada. And you
14 can imagine what it was like as a young person discovering his
15 sexuality in Rural Nevada. Fortunately, they moved to
16 Las Vegas where he went to high school. Then he went to UNLV,
17 took some courses at what was then called CCSN. Did he study
18 computer science or IT programming? No. He studied marketing
19 and business and even thought about doing broadcasting.

20 He took a variety of jobs. He worked for a phone
21 company that doesn't even exist anymore called PCS Sprint
22 [sic]. He worked retail. For example -- I'm trying to
23 remember the name of the clothing companies because I don't
24 even -- again, ones that might not exist. Recently he even
25 worked at -- at Williams-Sonoma. So his background was in

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 retail and customer service.

2 What else was he doing? He was also working as a
3 bartender. He's working at a bartender [sic] called The
4 Garage in 2015, and he meets Kristopher Dallmann and they
5 start a relationship and soon he moves in.

6 Now, this case, in my mind, is about two things:
7 Evolving technology and a moment in time or you could say
8 moments in time. And I'm going to start with this little
9 thing (indicating) that probably most of you have. Some of
10 you can't imagine or have never had to deal with life without
11 an iPhone or an Android phone. Others remember when it came
12 out. Do you remember the year that was? I remember. I
13 remember it very well because I remember the first time I saw
14 one. 2007, the same year that Mr. Dallmann started Jetflixs.
15 And as one of the other lawyers mentioned, at that time
16 Netflix was mailing DVDs to people in the mail. All right?
17 They weren't a streaming service.

18 So we take 2007, and we go forwards and backwards.
19 First, let's go backwards. How did people watch movies and TV
20 shows and listen to music before then? Well, we can go all --
21 all the way back to the 80s when the first videotapes came
22 out. And do you remember what happened when that -- I mean,
23 you probably don't remember, the vast majority of you, but
24 people tried to stop that because the advertisers or the
25 people who did the TV shows didn't like people fast-forwarding

2:22-cr-00030-RFB-DJA - May 29, 2024

1 through commercials --

2 **MR. CHRISTIN:** Objection, Your Honor.

3 **MR. MARSH:** I'll tie it up, Your Honor.

4 **THE COURT:** I'll allow it for now.

5 **MR. MARSH:** After -- and obviously we had videotapes
6 all through the 80s. We had Betamax; that went away. We had
7 other technology. Then came along DVDs.

8 And you'll find out that when the FBI executed its
9 search warrant on my client and Mr. Dallmann's house and the
10 house next door, they went into a room -- I think it was a
11 converted bathroom -- and floor to ceiling is nothing but
12 Mr. Dallmann's DVDs. Okay? And you'll see how that becomes
13 relevant as we go through this process.

14 After DVDs -- that lasted for quite awhile before we
15 got to streaming; right? But think about music. What
16 happened before we had the iPhone? For about a couple years
17 we had these things called iPods, and you had to actually go
18 on and download a song at a time. It wasn't a service where
19 you could get all the music you wanted from Apple. And before
20 that, we had Napster. All right? And when you hear about my
21 client talking about Napster or iPods when he's questioned by
22 the FBI, you can put that into context. Because Napster was
23 another thing that people eventually said was illegal, but I
24 always think of it as a bunch of college kids --

25 **MR. CHRISTIN:** Objection, Your Honor.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 **THE COURT:** Mr. --

2 **MR. MARSH:** I'm sorry.

3 **THE COURT:** Sustained. Let's move into this case.

4 **MR. MARSH:** I'll be happy to, Your Honor.

5 So think of those moments in time and how the
6 evolving technology fits with copyright law and how at various
7 points of time it's difficult to tell what's legal and what's
8 illegal and who decides that.

9 Fortunately, it's not going to have to be you because
10 all you're going to need to decide is did these defendants
11 know that what they were doing was illegal. I shouldn't say
12 that's all because how do you read people's minds? And also
13 remember the Government has the burden of proof. They're the
14 ones who are supposed to show that the defendants, beyond a
15 reasonable doubt, knew that what they were doing was illegal.
16 And we'll get to that definition in a little bit.

17 So let's go back to another moment of time. 2015
18 when my client meets Mr. Dallmann. He moves in. He --
19 eventually they get married in June of 2017 before the raid
20 that you heard Ms. Martin describe. And Jared starts helping
21 out with Jetflix.

22 Now, you will find out that Jared is a loyal person,
23 he is a trusting person, and he hates bullies. And he knows
24 about Kristopher's background growing up and being kicked out
25 of the house by his family, and he's going to do everything he

2:22-cr-00030-RFB-DJA - May 29, 2024

1 can to protect Kristopher. And that I think will explain a
2 lot when you hear the evidence come in.

3 The -- he starts working just to help out because the
4 guy who's doing customer service is getting a paycheck but not
5 really doing anything. And Jared, he'd worked in retail and
6 customer service his whole life, and so he starts to help out.
7 Is he making a huge amount of money for this? Is anybody
8 making a huge amount of money for all of this? You'll find
9 out that Jared started draining his accounts to pay Kris'
10 debts, keep the -- literally keep the lights out -- on. He
11 even cashed in his 401(k) in order to help out. All right?
12 This is the -- where the business was at that time. All
13 right? And this is his motivation, is to help Kris, and
14 that's why he gets involved. He doesn't have any IT
15 background. He doesn't have anything to do with computers.

16 Now, I want to talk to you in a minute about the law,
17 but first I got to get a drink of water because it's been a
18 long day.

19 The next moment in time is on November 11th, 2000 --
20 I'm sorry, November 16th, 2017, when the FBI shows up at their
21 house, roused Kris and Jared out of bed, and takes them out on
22 the lawn -- they're standing there in their underwear -- and
23 then brings them in and, as Ms. Martin said, they give
24 statements. All right? They're cooperative. What does that
25 tell you about where their heads are on the business that

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Mr. Dallmann had founded that Jared ended up helping out a
2 little bit with customer service. Okay?

3 Let's talk about the elements. The judge touched on
4 some of them, but there's three words that I want you to keep
5 in your mind from those instructions as we -- as you go
6 through the trial. And the first is the word conspiracy or
7 agreement. All right? But to be a crime, to be federal
8 felony copyright infringement, you have to agree to do
9 something specific, and in this case it's to violate federal
10 copyright law or infringe by reproduction. Okay?
11 Specifically by reproduction.

12 There's a lot of ways that you can infringe on
13 copyright that don't have anything to do with reproduction.
14 You could perform a play that somebody else wrote without
15 their permission, for example. Think about whether Jared
16 reached any sort of agreement that had anything to do with
17 reproducing. He's dealing with this company at the tail end,
18 to use another jet analogy. He is dealing with customer
19 service. He doesn't have anything to do with reproduction.
20 And so, see if the Government has proven that beyond a
21 reasonable doubt. So that's my second word, reproduction.

22 And then the third word -- and you've heard it a few
23 times this -- this afternoon -- is willful or willfulness, and
24 that -- that has a specific meaning in the law. And that
25 meaning is a voluntary and intentional violation of a known

2:22-cr-00030-RFB-DJA - May 29, 2024

1 legal duty --

2 **THE COURT:** Mr. Marsh, I didn't give this instruction
3 yet, so I think we should move on from there.

4 **MR. MARSH:** Okay. As the other folks have said, you
5 have to know that you're violating copyright law, and the
6 judge will instruct you more specifically at the end of the
7 case.

8 And the question will be: Did my client and these
9 other defendants know that they were violating copyright? Did
10 they act willfully? That's what that means. A lot of
11 times -- you probably heard the adage ignorance of the law is
12 no excuse. When it comes to certain technical areas of the
13 criminal law, this is one of the protections you have, is the
14 Government has to prove that you knew that you were violating
15 the law. And the Government in the end will not be able to
16 show that. Thank you.

17 **THE COURT:** Thank you, Mr. Marsh.

18 Mr. Brown.

19 And if you want to stand up and get a little stretch
20 in. Periodically, when this trial goes on, we're going to do
21 what's called a 7th inning stretch, but just to get the blood
22 circulating because we're going to sit down a lot. It's okay.
23 It's okay to take a drink. It's okay to do what you need to
24 do. But when we have these exchanges we do, I just like to do
25 a little courtroom yoga and just get the blood circulating.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Okay? So feel free. Because I know we sit for a long time,
2 but it's okay to do that and it's okay to take a drink, even
3 during testimony. All right?

4 And also, after Mr. Brown gives us his opening, we're
5 going to take another sort of restroom/bathroom break and try
6 to break this up. And we can come back out and hear
7 witnesses, but I just wanted to let you know that's what the
8 schedule will be.

9 **MR. BROWN:** May I Judge?

10 **THE COURT:** Yes, you may.

11 **OPENING STATEMENTS FOR MR. GARCIA**

12 **MR. BROWN:** First thing's first. Felipe, would you
13 just stand up? This is Felipe Garcia.

14 The Government's case against Felipe is going to turn
15 on one issue. One. That is Felipe's intent. This case isn't
16 about what happened. It's not about what Felipe did because
17 none of that is going to be disputed. It's about Felipe's
18 intent. When he went to work at Jetflicks, did he intend to
19 enter into a criminal conspiracy to violate copyright law?
20 That is the issue. Was that his intent when he went to work
21 at Jetflicks?

22 So this is what the evidence is going to show you
23 about Felipe's time at Jetflicks. Felipe begins at Jetflicks
24 around April 2013, and he's there until the end of
25 December 2015. So the Government says Jetflicks is 2007 to

2:22-cr-00030-RFB-DJA - May 29, 2024

1 2017. Felipe's there 2013 to 2015.

2 So 2013 when he first comes to Jetflicks, Jetflicks
3 is already up and running and operating, and nothing about
4 Jetflicks screams this is an ongoing criminal conspiracy. It
5 didn't operate out of some corner on the dark web. They don't
6 require payments be made in cryptocurrency so they can avoid
7 banks and monetary reporting policies. They didn't use
8 encrypted communication platforms. No one uses fake names or
9 code words. It's operated out of a house. It's a business
10 that's incorporated here, and the business' address is where
11 the business is operated out of. So nothing about Jetflicks
12 outwardly says this is a criminal conspiracy, enter here.

13 In fact, everything about Jetflicks suggests this is
14 a successful, popular, growing, legitimate business. They
15 have a website. It's available to anyone and everyone who has
16 an Internet connection. They publicly advertise their
17 services. They say this is what we do. There were developing
18 apps for mobile devices, and they want to offer those apps for
19 Android and for iPhones and for Roku. They have a Facebook
20 page. They have customers. They sell subscriptions. They
21 accept credit card payments, and they use standard processing
22 payment applications. And they even have customer service
23 representatives.

24 So from the outside Jetflicks, in 2013 when Felipe
25 first gets there, it looks really indistinguishable from

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Netflix or from Amazon Prime or from Hulu. There is nothing
2 secretive or dodgy or obviously criminal about it. So that's
3 what Jetflix was in 2013 when Felipe arrives.

4 So customer service, what does that involve? Well,
5 the Government basically explained it. Here's what happens.
6 A customer wants to watch a TV episode. They click on the
7 link. It doesn't work. There's a problem. What do they do?
8 E-mail customer service. They complain. Oh, one other thing.
9 They say there's a show I want to watch and it's not in your
10 library. Hey, I want to watch this show. Those customer
11 communications, they go to Felipe. He takes the requests or
12 complaints about the broken shows and he turns them around and
13 he just sends them to someone else, someone who's in charge of
14 content. The content people give him an answer. He turns
15 around and gives that answer back to the customer.

16 Think of it this way. Felipe takes the order, right,
17 and he brings you your food, but he's not the guy in the
18 kitchen doing the cooking. So that's what he does from about
19 2013 to about 2015. Felipe's in the front interfacing with
20 the customers while the content people are in the back.

21 Now, while Felipe is doing customer service, no one
22 ever serves him with a cease-and-desist letter. HBO never
23 sends a letter to his house. Motion Picture Association never
24 serves him with a letter. No one ever tells him these shows
25 are being acquired illegally. No one ever texts him about a

2:22-cr-00030-RFB-DJA - May 29, 2024

1 gray area or questionable illegality. None of that happens
2 while he's at Jetflix. And these things are above his pay
3 grade anyway because, remember, he's the low man on the totem
4 pole. He's not personally using the software to get the shows
5 or to populate the libraries; right? He's not going into the
6 computer and fixing a broken link so that a show will run
7 properly. That's someone else's department.

8 Focusing on Felipe's role at Jetflix is going to be
9 critical because the Government is probably going to offer a
10 lot of evidence about other people, what other people knew,
11 what other people said, what other people did, what they knew
12 about copyright -- copyright law or what they knew about the
13 law generally; a lot of that about other people. But Felipe
14 stands in a different -- different position. He's in the
15 front. He's doing the customer service. The content stuff,
16 that's going on somewhere else. That's a different
17 department.

18 And when you consider only the evidence against
19 Felipe, not other people, not what they knew or did or said,
20 it will be clear that, when Felipe went to work at Jetflix,
21 he never intended to enter into a criminal conspiracy to
22 violate copyright law. That will be clear.

23 So after all of the evidence has been presented, I
24 will stand here again and I will say the same thing: Felipe
25 is not guilty of what the Government has accused him of. I

2:22-cr-00030-RFB-DJA - May 29, 2024

1 will ask you to hold the Government to their burden and find
2 that Felipe is not guilty.

3 **THE COURT:** All right. Thank you, Mr. Brown.

4 So, ladies and gentlemen, we had a bit of a late
5 start today. Although we didn't really technically take a
6 lunch break, the lawyers -- even though you-all came in at
7 10:30, we have been working here since a little bit earlier.
8 But I want to give you a little bit of time if you wanted to
9 go and grab lunch. I'll give you about a half hour or so.
10 You may see both -- you may still be filled with the breakfast
11 pizza but probably not. That was a few hours ago. So why
12 don't we say this. Why don't we say we'll come back --
13 actually, we'll say 3:15, and we'll probably just go for about
14 an hour, and then we'll end for the day. Okay? So if you can
15 be back here by 3:15.

16 Again, you don't have to leave. If you'd like to
17 stay in the room, you can. But if you want to go out and get
18 some fresh air or you want to grab something to eat, you can,
19 but just be back by 3:15. Okay? Thank you.

20 **COURTROOM ADMINISTRATOR:** Ladies and gentlemen,
21 please rise.

22 *(Jury out at 2:30 p.m.)*

23 **THE COURT:** Please be seated.

24 All right. We're going to take our lunch break.
25 Anything we need to address?

2:22-cr-00030-RFB-DJA - May 29, 2024

1 **MR. CHRISTIN:** Yes, Your Honor. I think given some
2 of the statements that Mr. Marsh made in opening, the
3 Government would object to those statements about the history
4 of copyright law and Napster and its legality in the 80s and
5 the 90s. In fact, defense counsel -- I don't know if it was
6 Mr. Marsh or not -- specifically tried to notice an expert to
7 discuss copyright law, and Your Honor precluded that because
8 the law comes from Your Honor and it doesn't come from
9 Mr. Marsh and it doesn't come from an expert on copyright law.
10 So we would ask that statements around those issues not be
11 allowed in.

12 **THE COURT:** Well, I mean it's opening.

13 What I will say is this. You-all gave closing
14 arguments, and I will permit it this time. But those were
15 straight-up closing arguments. I'm just going to say this to
16 you now because you're experienced trial attorneys. Not all
17 of you but some of you -- and you know better -- gave
18 arguments that were not opening. I will not generally
19 interrupt, but I'm saying that to you because it was very
20 clear to me that some of you were providing specific evidence
21 and were arguing things that are not appropriate for an
22 opening. And you-all are experienced enough to know the
23 difference. I did not interrupt you out of respect, but as
24 this case goes on, I will not expect to see something like
25 that happen. And in the future, if I see something like that

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 happen, I will interrupt you and let you know that what you're
2 doing is improper.

3 Now, I'm not picking on you Mr. Marsh, but I'm saying
4 I did not give that willful instruction. I specifically
5 didn't do that, and you were about to read to the jury an
6 instruction that I had not given. And you asked for it; I did
7 not give it. I didn't interrupt you at the time other than to
8 stay let's move on. And, again, I'm not singling you out,
9 Mr. Marsh, necessarily, but that's not -- you're experienced.
10 You know that you should not be reading an instruction that
11 the Court has not given until it has been given. And, again,
12 I'm not saying you were the sole person who did this. But you
13 all engaged in certain forms of argument that I think were not
14 appropriate for an opening, but I did not interrupt more than
15 simply saying move on. But I'm just saying that to you
16 because, if you're going to quote from language, it has to be
17 language that I've already approved. And I know that you
18 understand that. And you're standing. I don't know if you
19 need to --

20 **MR. MARSH:** Oh, I'm sorry. I'm happy to take
21 whatever you have to say, and that's -- that's fine. I simply
22 wanted to say I had asked you, I said I was going to talk
23 about willfulness in my opening and tie it to the evidence.
24 That's all I was trying to do, Your Honor. And to the extent
25 I was reading an instruction, it's the one the Government

2:22-cr-00030-RFB-DJA - May 29, 2024

1 proffered.

2 **THE COURT:** The point is I hadn't given the
3 instruction; right?

4 And the other thing that I'm going to say is this.
5 From the defense standpoint, some of you made representation
6 about evidence that may or may not come in. If it doesn't
7 come in, then obviously that's an issue that can be addressed.
8 Because I'm saying that because, Ms. Bliss, I gave you some
9 latitude about some evidence with respect to Mr. Huber. I'm
10 not sure much of that or at least a portion of that were
11 relevant as it relates to the history there. And I'm not sure
12 how much there's going to be in terms of any witness who's
13 going to offer that. Again, I allowed it for the opening, but
14 I'm just saying that to you because you gave quite an
15 extensive factual detail about Mr. Huber's personal history.
16 And I would anticipate or hope that at some point there would
17 be some witness or way that that evidence will come in because
18 there was a -- a quite extensive sort of representation about
19 facts regarding his personal history. And, again, I'm not
20 asking you necessarily to tell me how that's going to come in,
21 but I am saying that to you because I allowed it to go on but
22 it did seem to be a fair amount of that was not relevant. His
23 personal history is somewhat relevant, but there were certain
24 statements that you made and other counsel made that seemed to
25 attempt to elicit sort of sympathy towards defendants as it

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 relates to aspects of their personal history that I'm not sure
2 are going to come in or how relevant they are.

3 So, again, I'm just saying that to all of you because
4 you're experienced attorneys. And, again, I did not interrupt
5 you, but I would hope not to see that -- quite an extensive
6 pushing of the line as it relates to what is permitted
7 regarding questioning and arguing.

8 Ms. Bliss, I don't know if you had anything you
9 wanted to add to that?

10 **MS. BLISS:** No, I don't, Your Honor. I definitely
11 considered everything. I have a good-faith belief that most,
12 if not all, of what I represented will come in. I think it's
13 important to understand my client's role in the company and
14 what he knew and didn't. That's --

15 **THE COURT:** What I'm saying, how he may have escaped
16 from parts of Europe, I'm not sure how that's particularly
17 relevant to his role in this alleged conspiracy.

18 **MS. BLISS:** It's about minding your business, keeping
19 to yourself, exercising caution, and --

20 **THE COURT:** And these are -- and this is what I
21 talked to you before about character traits. If you're using
22 personal history to say that an individual has certain
23 particular character traits, certainly defendants can raise
24 issue about character traits. But when we had that earlier
25 discussion where you said this is not character evidence and I

2:22-cr-00030-RFB-DJA - May 29, 2024

1 said to you it sounded like it was going to cross that line if
2 you're talking about someone's personal history regarding
3 facts unrelated to the conspiracy as a way to demonstrate
4 traits that may illustrate how he might not have gotten
5 involved -- which you're permitted to do -- I'm going to find
6 that to be character evidence, and there's certain rules that
7 apply to that. Because it seemed to me, in terms of your
8 opening, you opened the door to that. I'm just saying that to
9 you so you understand that as we move forward because that
10 opening certainly talked about what you viewed as sort of his
11 history and how his history would be related to potentially
12 his propensity or not to engage in the alleged conspiracy.

13 Again, we can have a further conversation about that,
14 but I just wanted to make you all aware of that. Because,
15 again, for the most part I did not interrupt, but those were
16 the closest closing arguments to openings that I've ever seen
17 in a trial that I've presided over. And, again, out of
18 respect I did not interrupt you but, again, let's be careful
19 about that as we proceed. Thank you.

20 Mr. Christin, is there anything else?

21 **MR. CHRISTIN:** No, Your Honor. Thank you.

22 **THE COURT:** All right. Thank you, all. We'll be
23 back here, again, at 315. We'll be adjourned.

24 *(Lunch recess at 2:39 p.m., until 3:18 p.m.)*

25 **THE COURT:** Please be seated.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 All right. Anything we need to address before we
2 bring the jury out? The only thing I will say is we have a
3 hard stop at 4:00 o'clock.

4 **MR. CHRISTIN:** Thank you, Your Honor.

5 There is one thing, Your Honor.

6 **THE COURT:** Sure.

7 **MR. CHRISTIN:** Early on in this case defense counsel
8 filed motions to exclude the evidence of certain relationship
9 evidence. And Your Honor had indicated that, after hearing
10 openings, you would consider whether that evidence should or
11 should not come in. And I would like to point out a couple of
12 things for Your Honor.

13 **THE COURT:** Let me ask you a question, Mr. Christin.
14 Is that evidence going to come in for this -- in this
15 particular witness?

16 **MR. CHRISTIN:** Other than the marriage of
17 Mr. Jaurequi -- Mr. Jaurequi and Mr. Dallmann with this
18 witness, no.

19 **THE COURT:** Okay. So why would -- I think it's more
20 helpful for me, Mr. Christin, is when there are particular
21 exhibits that you want to have admitted that you think may be
22 related to the Court's order that you want me to reconsider,
23 to show those to me and then we can go back and revisit them.
24 And so I do think, given the openings, that certainly a door
25 has been opened as it relates to these relationships

2:22-cr-00030-RFB-DJA - May 29, 2024

1 potentially. But, again, I have to see that in the context of
2 the exhibit.

3 **MR. CHRISTIN:** Understood, Your Honor.

4 **THE COURT:** Okay.

5 **MR. CHRISTIN:** Thank you.

6 **THE COURT:** All right. So anything from the defense
7 before we bring in the jury? And, again, we will go until
8 4:00. I assume -- will that be all direct, Mr. Christin?

9 **MR. CHRISTIN:** Pardon me, Your Honor?

10 **THE COURT:** I assume the direct will take us to
11 4:00 o'clock?

12 **MR. CHRISTIN:** Yes, Your Honor.

13 **THE COURT:** All right. And even if you finish a
14 little bit early, we'll still -- if there's going to be cross,
15 we'll just wait until tomorrow. Okay? So we'll go ahead and
16 bring the jurors --

17 **MR. CHRISTIN:** I would not anticipate finishing --
18 *(Reporter instruction.)*

19 **MR. CHRISTIN:** Yes, I'm sorry.
20 I may not finish his direct --

21 **THE COURT:** That's fine.

22 **MR. CHRISTIN:** -- this evening.

23 **THE COURT:** Okay. We'll go ahead and bring the
24 jurors in.

25 *(Jury in at 3:21 p.m.)*

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **COURTROOM ADMINISTRATOR:** Ladies and gentlemen,
2 please rise.

3 **THE COURT:** Please be seated.

4 Ladies and gentlemen of the jury, just so you know,
5 we will end at 4:00 o'clock today. And then typically we'll
6 end around 3:30 every day. We'll start around 8:30 and end at
7 3:30. I'll let you know if that schedule changes, but we're
8 definitely going to end at 4:00 o'clock today, even if we're
9 not finished with all the testimony. Okay?

10 All right. Mr. Christin, who is the Government's
11 first witness?

12 **MR. CHRISTIN:** Thank you, Your Honor. The
13 Government's going to call Supervisory Special Agent Tim
14 Lynch.

15 **THE COURT:** Okay.

16 **COURTROOM ADMINISTRATOR:** Please raise your right
17 hand.

18 *(The witness is sworn.)*

19 **THE WITNESS:** I do.

20 **COURTROOM ADMINISTRATOR:** Thank you. Please be
21 seated. And please state and spell your name for the record.

22 **THE WITNESS:** My name is Tim Lynch, L-y-n-c-h. And
23 I'm a supervisory special agent for the FBI's Washington Field
24 Office.

25 **DIRECT EXAMINATION**

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **BY MR. CHRISTIN:**

2 Q. Good afternoon, sir.

3 A. Good afternoon.

4 Q. You beat me to my first question. So let me move on.

5 What is it that you supervise, Mr. Lynch?

6 A. Currently I supervise our bank fraud and money laundering
7 squad.

8 Q. And how long have you worked at the FBI?

9 A. Twenty years.

10 Q. And how long have you been a supervisor?

11 A. Four years.

12 Q. During the course of your 20-year experience at the FBI,
13 have you ever been involved in a search warrant?

14 A. Yes.

15 Q. Approximately how many?

16 A. Dozens.

17 Q. Have you participated or conducted any interviews of
18 witnesses or defendants?

19 A. Yes.

20 Q. Approximately how many would you say?

21 A. Hundreds.

22 Q. Before joining the FBI, what did you do?

23 A. I was an infantry officer in the United States Marine
24 Corps.

25 Q. And how long were you in the Marine Corps?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** Four years.

2 **Q.** Were you ever deployed?

3 **A.** Yes.

4 **Q.** Where to?

5 **A.** Afghanistan and then later Iraq.

6 **Q.** Were you involved in the investigation that led to
7 charges in this case?

8 **A.** I was.

9 **Q.** Generally speaking, what was your role?

10 **A.** I was assigned to interview Mr. Dallmann.

11 **Q.** And did you, in fact, interview Mr. Dallmann?

12 **A.** Yes.

13 **Q.** Do you see Mr. Dallmann in the courtroom today?

14 **A.** I do.

15 **Q.** Could you please identify him by an article of clothing
16 that he's wearing?

17 **A.** He's the gentleman in the back row wearing the
18 light-colored, button-down shirt.

19 **MR. CHRISTIN:** Your Honor, may the record reflect the
20 in-court identification of Mr. Dallmann?

21 **THE COURT:** Yes, the record will so reflect.

22 **BY MR. CHRISTIN:**

23 **Q.** Did you -- when you interviewed Mr. Dallmann, did you
24 have an occasion to meet anybody else that day?

25 **A.** Yes.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 Q. And who was that?

2 A. Mr. Jaurequi.

3 Q. And do you see Mr. Jaurequi in the courtroom today?

4 A. Yes.

5 Q. And could you please identify him by an article of
6 clothing that he might be wearing?

7 A. He's the gentleman in the front row wearing the glasses
8 and the collared shirt.

9 MR. CHRISTIN: Your Honor, may the record reflect an
10 in-court identification of Mr. Jaurequi?

11 THE COURT: The record will so reflect.

12 MR. CHRISTIN: Thank you, Your Honor.

13 BY MR. CHRISTIN:

14 Q. So directing your attention to November 16th of 2017, did
15 you have occasion for being at 2154 Tona Circle that day?

16 A. Yes.

17 Q. And what was your occasion for being there?

18 A. The execution of a search warrant.

19 Q. And were you alone, or were you with other people?

20 A. I was with agents from both the FBI's Washington Field
21 Office and our Las Vegas Field Office.

22 Q. Approximately how many agents would you say were there
23 that day?

24 A. I would say approximately 30.

25 Q. What time did that search begin?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** Approximately 6:00 a.m.

2 **Q.** And could you please walk us through how that search
3 began?

4 **A.** The search began at approximately 6:00 a.m. when agents
5 from the FBI's Las Vegas Field Office knocked and announced on
6 the front door of 2154 Tona Circle.

7 **Q.** When you say knocked and announced, what is it that you
8 mean, sir?

9 **A.** They knocked and then said FBI search warrant --
10 *(Simultaneous crosstalk.)*

11 **MS. MARTIN:** -- Your Honor -- yeah, we're having
12 problems hearing.

13 **THE WITNESS:** I can speak up.

14 **THE COURT:** Hold on. You're having problems
15 hearing --

16 *(Simultaneous crosstalk.)*

17 *(Reporter instruction.)*

18 **THE COURT:** Wait. Let me finish my question, please.

19 **MS. MARTIN:** Sorry, Your Honor.

20 **THE COURT:** Are you having problems hearing
21 Mr. Christin, or are you having problems hearing the witness?

22 **MS. MARTIN:** We're having problems hearing the
23 witness.

24 *(Reporter instruction.)*

25 **MS. MARTIN:** We're having problems hearing the

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 witness.

2 **THE COURT:** Okay. So, sir, the microphone is --
3 let's make sure it's on -- that bar there, and it's not the
4 microphone to your right. Yep. Okay. So if you could just
5 speak up just a little bit, please.

6 **THE WITNESS:** Yes, Your Honor.

7 **THE COURT:** Okay. And it might actually help to move
8 it a little bit away from you. There we go. Let's see if
9 that helps.

10 Go ahead, Mr. Christin.

11 **MR. CHRISTIN:** Thank you, Your Honor.

12 **BY MR. CHRISTIN:**

13 Q. Could you please explain what a knock and announce is?

14 **A.** A knock and announce is when a team of FBI agents knock
15 on the front door and say, "FBI search warrant."

16 Q. So after the agents knocked and announced, what happened
17 after that?

18 **A.** After a brief period of time, Mr. Dallmann and
19 Mr. Jauregui came to the front door.

20 Q. And when they came to the front door, how did they
21 appear?

22 **A.** They were in their underwear.

23 Q. And what happened after that?

24 **A.** There was a brief discussion through an intercom, but
25 they ultimately opened the front door. I had stationed myself

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 on the front lawn and prior to the search warrant had asked
2 the entry team to direct them right to me so I could explain
3 to them what was happening.

4 Q. Now, why was it important that they be directed to you by
5 the entry team?

6 A. I wanted to speak to them and be able to tell them why we
7 were there that day. I also wanted to give the entry team
8 time to do what's called a tactical clear or a security sweep
9 of the residence. Before they did that, I also wanted to ask
10 them if there was anyone else in the house we needed to be
11 aware of.

12 Q. So would you describe this as a standard procedure for a
13 search warrant?

14 A. Yes.

15 Q. So when Mr. Dallmann, Mr. Jaurequi are brought to you or
16 directed to you in the front lawn, did you say anything to
17 them?

18 A. I did.

19 Q. What did you say, sir?

20 A. I told them that we were there to execute a federal
21 search warrant, that it related to the websites jetflicks.com
22 and iStreamItAll.com. Specifically we were there trying to
23 recover evidence to investigate allegations that both websites
24 were engaged in illegal streaming.

25 Q. Did you arrest them that day?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** No.

2 **Q.** Did you arrest them -- let me rephrase.

3 Did you put them in handcuffs while they were on the
4 front lawn?

5 **A.** No.

6 **Q.** Did you tell them that they were under arrest?

7 **A.** No. I made very clear that this was just a search
8 warrant, that they were not under arrest, they were not being
9 detained, and they were free to go at any time.

10 **Q.** Did Mr. Dallmann leave?

11 **A.** No.

12 **Q.** Did Mr. Jaurequi leave?

13 **A.** No.

14 **Q.** What, if anything, did Mr. Dallmann say to you out on the
15 front lawn?

16 **A.** Mr. Dallmann told me words to the effect that this was a
17 misunderstanding, that Jetflicks was an aviation services
18 business. I told him, if that was the case, I would be
19 interested in talking to him and asked him if he would be
20 willing to do that once the house was clear, and he said that
21 he would.

22 **Q.** Once the house was cleared, what happened after that?

23 **A.** I went inside with both gentlemen, and we gave them an
24 opportunity to get dressed.

25 **Q.** I'd like to show you what has been marked as

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 Government's Exhibit 202. And are you able to see something
2 on that screen, sir?

3 **A.** Not now, no.

4 **Q.** Okay.

5 **MR. CHRISTIN:** And this is just the witness; correct?

6 **THE COURT:** Yeah. And for counsel, are you connected
7 to the...

8 **COURTROOM ADMINISTRATOR:** Nope. Sorry. You guys
9 didn't give me a heads-up. Whose computer?

10 **MR. CHRISTIN:** Right there.

11 **BY MR. CHRISTIN:**

12 **Q.** Are you able to see something on your screen now, sir?

13 **A.** Yes.

14 **Q.** And could you please describe for us what it is that you
15 see?

16 **A.** This a floor plan sketch of 2154 Tona Circle.

17 **Q.** And is that where --

18 **THE COURT:** Mr. Christin.

19 **MR. CHRISTIN:** Yes, Your Honor?

20 **THE COURT:** Just so you all understand, before an
21 exhibit is actually admitted, it is shown just to myself, the
22 witness, and the attorneys for me to decide whether or not in
23 fact it can be admitted. So your screens are not
24 malfunctioning, and the big screen is not malfunctioning. But
25 in the process of the exhibits being admitted, I have to see

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 it, the witness has to see it, and the lawyers have to see it
2 and the defendants get to see it, but you don't just yet until
3 it's actually admitted as an exhibit. So just so you
4 understand why your screens are dark. At a point at which
5 either one of the attorneys or parties want you to see it,
6 they'll ask for me to publish it to the jury. And if I agree
7 to do that, at that point it should appear on your screen.
8 And if I say that it should be published to the jury and it
9 doesn't appear, then you should raise your hand and say,
10 Judge, we have a malfunction, it's not appearing.

11 But for now it's supposed to be black, and we ask
12 these questions as a way to get the exhibit potentially
13 admitted or rejected.

14 Go ahead, Mr. Christin.

15 **MR. CHRISTIN:** Thank you, Your Honor.

16 **BY MR. CHRISTIN:**

17 Q. Do you recognize what this is, sir?

18 A. Yes.

19 Q. And what is this?

20 A. This a floor plan sketch of 2154 Tona Circle.

21 Q. And does it fairly and accurately represent the 2154 Tona
22 Circle as you understood it to be that day?

23 A. Yes.

24 **MR. CHRISTIN:** Your Honor, at this time the
25 Government would move to admit Government's Exhibit 202 into

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 evidence and publish.

2 *(Government Exhibit No. 202, offered.)*

3 **THE COURT:** Any objection from any of the defendants?

4 **MS. MARTIN:** No, Your Honor.

5 **THE COURT:** So here's what we'll do for all of you.
6 If you don't stand up and object, I'm going to say, I see no
7 objections, and then I will admit the exhibit. That way
8 everyone doesn't have to pop up like Ms. Martin did each time.

9 So I don't see any objections. Defendant's [sic] 202
10 will be admitted.

11 Would you like this published to the jury?

12 *(Government Exhibit No. 202, received.)*

13 **MR. CHRISTIN:** Yes, Your Honor. Please.

14 **THE COURT:** Okay.

15 **BY MR. CHRISTIN:**

16 Q. Could you please --

17 **THE COURT:** Hold on one moment, please.

18 Can you-all see it now? Perfect. Okay.

19 Go ahead, Mr. Christin.

20 **BY MR. CHRISTIN:**

21 Q. Now, you mentioned you brought Mr. Dallmann and
22 Mr. Jaurequi inside. Do you recall where they were brought to
23 on this sketch?

24 **A.** Yes. Room N.

25 Q. And after they were brought to room N, is that where they

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 were given the opportunity to get dressed?

2 **A.** Yes.

3 Q. Okay. And after they got dressed, what happened after
4 that?

5 **A.** We went to room B, the main living area of the house, to
6 sit down and talk.

7 Q. And I think you might be able to draw on the monitor.
8 Could you draw a circle around that B?

9 **A.** (Indicating.)

10 Q. Perfect.

11 And did Mr. Dallmann and Mr. Jaurequi have a seat?

12 **A.** Yes.

13 Q. And where did they sit?

14 **A.** They sat on the L-shaped couch.

15 Q. And where do you recall sitting?

16 **A.** I sat on either the couch or the ottoman across from
17 them.

18 Q. Now, was anybody else with you that day?

19 **A.** Yes.

20 Q. Who was with you?

21 **A.** Special Agent Lance Shakespeare from the FBI's Las Vegas
22 Field Office.

23 Q. Now, while you and mister -- Special Agent Shakespeare
24 and Mr. Dallmann and Mr. Jaurequi are in this room, where
25 are -- where's the search team?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** The search team is all over the house preparing the house
2 to be searched, and they had set up in room C what we call our
3 evidence collection point.

4 **Q.** Now, did there come a time where you interviewed
5 Mr. Dallmann and Mr. Jaurequi together?

6 **A.** Yes.

7 **Q.** For approximately how long?

8 **A.** Approximately 60 to 90 minutes.

9 **Q.** And is it your practice typically at the FBI to interview
10 two people at one time?

11 **A.** No.

12 **Q.** Could you please explain to me why in this instance you
13 permitted it this time?

14 **A.** We prefer to interview people alone so we get their --
15 the purest recollection of their memories without anyone else
16 contaminating it. Mr. Jaurequi stated that he wanted to stay
17 with Mr. Dallmann, and we allowed that to make him feel more
18 comfortable.

19 **Q.** Who led the interview?

20 **A.** I did.

21 **Q.** And how would you describe your tone during that
22 interview?

23 **A.** Professional and conversational.

24 **Q.** At any point did you or Special Agent Shakespeare yell at
25 Mr. Dallmann?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** Never.

2 **Q.** Yell at Mr. Jaurequi?

3 **A.** Never.

4 **Q.** How would you describe Mr. Dallmann's demeanor?

5 **A.** Nervous but talkative.

6 **Q.** And how would you describe Mr. Jaurequi's demeanor?

7 **A.** Nervous, talkative, and protective of Mr. Dallmann.

8 **Q.** At any point during the interview, did Mr. Dallmann
9 appear to have trouble understanding you?

10 **A.** No.

11 **Q.** Did Mr. Jaurequi appear to have trouble understanding
12 you?

13 **A.** No.

14 **Q.** Was there any indication that Mr. Dallmann or
15 Mr. Jaurequi were under the influence of drugs or alcohol at
16 the time?

17 **A.** No. And if there were, we would not have done the
18 interview.

19 **Q.** While you're giving the interview, do you take notes
20 during that interview?

21 **A.** Yes.

22 **Q.** And why is it that you take notes?

23 **A.** So I can accurately recall and record what they're
24 saying.

25 **Q.** Are your notes supposed to be a verbatim transcript of

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 the entire interview?

2 **A.** No.

3 Q. Is there anything that you do in your notes to capture
4 the exact words of Mr. Dallmann or Mr. Jaurequi?

5 **A.** Any time I use quote in my notes, that is exactly what
6 the interviewee said.

7 Q. Was any portion of this interview video or audio recorded
8 that day?

9 **A.** No.

10 Q. And why not?

11 **A.** I was taking notes. I had a partner interviewer in Agent
12 Shakespear, and we were in full view of the search team.

13 Q. At that time would it have been FBI policy to audio or
14 video record the interview in Mr. Dallmann's house?

15 **A.** No.

16 Q. After you interviewed Mr. Dallmann, what is it that you
17 did with your notes?

18 **A.** I wrote what's called an FD-302, Report of Interview
19 Form.

20 Q. Did Special Agent Shakespeare play a role in the FD-302?

21 **A.** Yes.

22 Q. And what was his role?

23 **A.** He reviewed it for accuracy.

24 Q. And how soon after your interview with Mr. Dallmann and
25 Mr. Jaurequi did you begin drafting the 302 after the

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 interview?

2 **A.** The search warrant was on a Thursday. I returned to the
3 office the following Monday, and I began drafting the report.

4 Q. Did you have an opportunity to review your notes and your
5 FD-302 before testifying today?

6 **A.** Yes.

7 Q. Now, getting back to the interview, did you -- what is it
8 that you said to start the interview, if anything?

9 **A.** Again, when we sat down, I reiterated why we were there,
10 to investigate allegations that Jetflixs and iStreamItAll
11 were engaged in illegal streaming. I also again reiterated
12 that they were not in custody, they were not being detained,
13 they did not have to be interviewed, and they could leave and
14 I could call them and let them know when the search was done.

15 Q. Did you any forms with you that day?

16 **A.** I did.

17 Q. And what forms did you have with you that day?

18 **A.** In a FD-395, Advice of Rights Form.

19 Q. And did you go over that Advice of Rights Form with
20 Mr. Dallmann?

21 **A.** Yes.

22 Q. Did you go over it that Advice of Rights Form with
23 Mr. Jaurequi?

24 **A.** Yes.

25 Q. Did they have any questions?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** No.

2 **Q.** Did Mr. Dallmann sign the form?

3 **A.** Yes.

4 **Q.** Mr. Jaurequi sign the form?

5 **A.** Yes.

6 **Q.** At any point in the interview, did you or Special Agent
7 Shakespeare make any promises to Mr. Dallmann or Mr. Jaurequi
8 about what the Government might do if they agreed to speak
9 with you?

10 **A.** Never.

11 **Q.** Did you or mister -- or -- excuse me. Did you or
12 Special Agent Shakespeare make any promises about what the
13 Court might do if Mr. Dallmann or Mr. Jaurequi gave an
14 interview that day?

15 **A.** Never.

16 **Q.** Did Mr. Jaurequi stay with Mr. Dallmann for the entire
17 interview?

18 **A.** No.

19 **Q.** And once he was separated, did Mr. Jaurequi -- let me
20 rephrase.

21 Can you tell me about how it was that Mr. Jaurequi
22 became separated from the interview?

23 **A.** We began the interview with Mr. Dallmann and Mr. Jaurequi
24 together seated on the couch. Approximately 60 to 90 minutes
25 in there was a break in the interview, and I called one of my

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 colleague from the Washington Field Office, Special Agent
2 Alexis Brown who I knew was next door at 2216 Tona Circle. I
3 asked if she was available to help with an interview. She
4 said she was. So she and Special Agent Jessica Marrone from
5 the Washington Field Office came to 2154.

6 I introduced them to Mr. Jaurequi. I asked if he
7 would reconsider doing a individual interview, that it would
8 expedite our process that day and speed things up, and at that
9 point he agreed to go to a separate room and be interviewed by
10 Special Agent Brown and Special Agent Marrone.

11 Q. Before Mr. Jaurequi left to be interviewed in a separate
12 room, was there any discussion about iPhones?

13 A. Yes.

14 Q. Could you please tell us how that discussion came about?

15 A. In the beginning stages of the interview, one of the
16 members of the search team from the FBI's Las Vegas Field
17 Office pulled me aside and told me that they had located some
18 digital devices and asked me if I would be willing to ask
19 Mr. Dallmann if he would be willing to give a consent search
20 of the phones which would enable us to image the phones on
21 site and allow us to give the phones back to him at the end of
22 the search. If he did not do that, we would be --

23 **THE COURT:** Bless you. Someone sneezed. Sorry.

24 **THE WITNESS:** Sorry, Your Honor.

25 We offered this to them as a courtesy. Because if we

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 could image the phones on-site, we could leave the phones with
2 them instead of taking them.

3 **BY MR. CHRISTIN:**

4 Q. Did they provide a passcode to the phones?

5 A. Yes.

6 Q. Now, you mentioned imaging the phones. Were you involved
7 in the imaging process in any way?

8 A. No.

9 Q. And why's that?

10 A. I was there solely as the interviewer.

11 Q. Were there any breaks taken during this interview?

12 A. Yes.

13 Q. Approximately how many?

14 A. At least two.

15 Q. Is there any break that stands out in particular to you?

16 A. Yes.

17 Q. And which one is that?

18 A. The first break at approximately 8:17 a.m.

19 Q. And why is that?

20 A. We took an approximately 30-minute break at the end of
21 which I requested permission to use the restroom, and when I
22 came back, Mr. Dallmann was crying.

23 Q. And when you observed Mr. Dallmann crying, what did you
24 do?

25 A. I had a brief nonverbal communication with Agent

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 Shakespeare where I essentially shrugged my shoulders as if to
2 ask him what was going on. He shrugged his shoulders back at
3 me that he did not know.

4 Q. And did you ask Mr. Dallmann anything at this point?

5 A. Yes.

6 Q. What happened?

7 A. Mr. Dallmann said, I got involved with people I didn't
8 know would steal from me. At that point I asked him if he had
9 been entirely truthful with me, he said he had not, and then
10 we essentially restarted the interview.

11 Q. So let's talk about the interview portion before that
12 break. Did Mr. Dallmann provide any contact information to
13 you?

14 A. Yes.

15 Q. Did he provide a phone number?

16 A. Yes.

17 Q. Okay.

18 **MR. CHRISTIN:** Could we please bring this exhibit
19 down? And I'm going to bring up for the witness
20 Government's Exhibit 070.

21 Court's indulgence. Is there a -- forgive me if
22 there's a way to remove the circle that -- to clear the
23 writing. Thank you very much.

24 **BY MR. CHRISTIN:**

25 Q. And could you please explain what it is that we're

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 looking at here?

2 **A.** This is a Cellebrite extraction report for an Apple
3 iPhone.

4 **MR. CHRISTIN:** I'm going to ask, Edie, if you could
5 zoom in on the MSISDN column? It's about four down. Thank
6 you.

7 **BY MR. CHRISTIN:**

8 Q. Do you see something marked as MSISDN?

9 **A.** Yes.

10 Q. And do you see a phone number there?

11 **A.** Yes.

12 Q. Do you recognize that phone number?

13 **A.** Yes.

14 Q. And how do you recognize it?

15 **A.** That is the cell phone number Mr. Dallmann gave me when I
16 asked him for his cell phone number.

17 Q. Could you please read that cell phone number?

18 **A.** (702) 629-0629.

19 Q. Thank you.

20 **MR. CHRISTIN:** We can bring that down.

21 **BY MR. CHRISTIN:**

22 Q. Did Mr. Dallmann provide an e-mail address?

23 **A.** Yes.

24 Q. I'm going to show you what's been marked as Government's
25 Exhibit 132.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **THE COURT:** Why don't we -- are we going to seek to
2 admit 70 for this witness?

3 **MR. CHRISTIN:** No, Your Honor.

4 **THE COURT:** Okay. Well, if we're not going to seek
5 to admit it to the witness, I guess I'm not clear why we're
6 reading from it. If he recalls it, then you can ask him. But
7 I'd prefer that we do them in the order, Mr. Christin, we're
8 going to admit them.

9 **MR. CHRISTIN:** Yes, Your Honor.

10 **THE COURT:** Okay. So are we going to be admitting
11 the next exhibit?

12 **MR. CHRISTIN:** No, Your Honor. I'll revise my
13 questioning.

14 **THE COURT:** Okay. Perfect. Thank you.

15 **MR. CHRISTIN:** Thank you.

16 You can bring it down. Thank you, Edie.

17 **BY MR. CHRISTIN:**

18 Q. Did Mr. Dallmann provide an e-mail address to you?

19 **A.** Yes.

20 Q. I know the interview was approximately seven years ago
21 and you've reviewed your notes and your 302 today before --
22 before today. Sitting there, are you able to remember the
23 exact e-mail that Mr. Dallmann provided to you?

24 **A.** I can remember fragments of it, but I don't think I can
25 remember the exact e-mail without being refreshed.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 Q. If I showed you something to refresh your recollection,
2 might that help?

3 A. Yes.

4 Q. Okay.

5 MR. CHRISTIN: Court's indulgence.

6 BY MR. CHRISTIN:

7 Q. Do you recognize this document, sir?

8 A. Yes.

9 Q. And what is this document?

10 THE COURT: We don't need to describe anything --

11 MR. CHRISTIN: Okay.

12 THE COURT: -- because it's not going to be admitted.
13 You can just have a look at it --

14 MR. CHRISTIN: Yes, Your Honor. I was just
15 establishing --

16 *(Reporter instruction.)*

17 THE COURT: Hold on.

18 MR. CHRISTIN: Sorry. Sorry, Your Honor.

19 THE COURT: You guys have to remember, the court
20 reporter cannot record if we're talking at the same time.

21 So you don't have to identify it. He just simply can
22 review it and refresh his recollection. That's sufficient.

23 BY MR. CHRISTIN:

24 Q. Okay. Special Agent Chase [sic], once you review this
25 document and your recollection is refreshed, let me know and

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 we're going to take it down. And then I would like for you to
2 tell me what the e-mail address was that you got that day.

3 **A.** I'm ready.

4 **MR. CHRISTIN:** Edie, could you please bring this
5 down? Thank you.

6 **BY MR. CHRISTIN:**

7 Q. And Supervisory Special Agent Lynch, what was that e-mail
8 address that he gave you that day?

9 **A.** Kristopher.dallmann@icloud.com.

10 Q. Thank you.

11 Did Mr. Dallmann identified any properties that he
12 owned?

13 **A.** Yes.

14 Q. What did he identify as owning?

15 **A.** 2154 Tona Circle and the house next door, 2216 Tona
16 Circle.

17 Q. Now, you mentioned that Special Agent Brown and
18 Special Agent Marrone were next door. Was that the residence
19 that they were at, 2216?

20 **A.** Yes.

21 Q. Thank you.

22 So for the first part of the interview, did
23 Mr. Dallmann explain to you the nature of the Jetflicks
24 business?

25 **A.** Yes.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 Q. And what is it that he said to you?

2 A. Mr. Dallmann told me that Jetflix was an aviation
3 services business, and that their business plan was to take
4 clients' personal DVD libraries and digitize them, place them
5 on digital devices that the client could then take aboard
6 private aircraft and watch their own DVD library.

7 Q. And according to Mr. Dallmann, when did he start
8 Jetflix?

9 A. 2007.

10 Q. Did the surprise you that he was talking about an
11 aviation services business at this point?

12 A. No.

13 Q. And why is that?

14 A. Prior to doing the interview, Agent Chase told me that
15 the aviation --

16 MS. MARTIN: Objection, Your Honor, as to hearsay.

17 THE COURT: Sustained what -- Mr. Christin, that does
18 seem to be hearsay. Any response to that?

19 MR. CHRISTIN: Your Honor, I think it shows the
20 effect on Supervisory Special Agent Chase [sic] in continuing
21 the interview and not accepting these statements for face
22 value.

23 THE COURT: I appreciate that, but I'll sustain the
24 objection.

25 MR. CHRISTIN: Understood, Your Honor.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **BY MR. CHRISTIN:**

2 Q. At the early stage of this interview, are you -- how
3 would you describe your questions, more open or direct
4 questions that require a yes or no?

5 **A.** Open-ended questions.

6 Q. During the prebreak portion of the interview, did
7 Mr. Dallmann make mentions of jetflicks.com or jetflicks.mobi?

8 **A.** Both.

9 Q. According to Mr. Dallmann, when did he create those
10 websites?

11 **A.** Approximately 2007.

12 Q. Did Mr. Dallmann describe what was on the jetflicks.com
13 website?

14 **A.** Yes.

15 Q. And what is it that he said?

16 **A.** He said there was largely nothing there.

17 Q. Did he describe what was on the jetflicks.mobi website?

18 **A.** Yes.

19 Q. And what is it that he said?

20 **A.** He said they were using an app where they were, for
21 \$14.99, streaming television shows that could not be -- that
22 were not currently available for purchase.

23 Q. According to Mr. Dallmann, did he say anything about what
24 he wanted to do with the profits of the .mobi streaming
25 business?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** Yes.

2 **Q.** What did he say?

3 **A.** Mr. Dallmann intended to use the profits from the .mobi
4 business to fund the actual aviation services business he told
5 me about.

6 **Q.** How much money did Mr. Dallmann claim to have made
7 through Jetflix's aviation services business?

8 **A.** He claimed at its height they were earning \$30,000 a
9 month.

10 **Q.** Did you ask Mr. Dallmann to identify the customers of the
11 aviation services business?

12 **A.** Yes.

13 **Q.** And how did he respond?

14 **A.** I asked him to tell me about his very first customer for
15 Jetflix. He told me about that individual and told me that
16 they had paid him \$50,000 for the service.

17 **Q.** And did you ask him about any other customers?

18 **A.** Yes.

19 **Q.** And what is it that he said?

20 **A.** I then asked him to tell me about his second customer,
21 and he told me about a customer in Texas that had paid him 30-
22 to \$40,000.

23 **Q.** Did you ask him about additional customers?

24 **A.** Yes.

25 **Q.** What did he say?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** He said there were only two.

2 **Q.** So am I right that the total would have been 50 plus 30?

3 **A.** Yes.

4 **Q.** So \$80,000?

5 **A.** Correct.

6 **Q.** Do you recall a meeting from December of 2019 with
7 prosecutors from another office in which you misremembered a
8 potential figure?

9 **A.** Yes.

10 **Q.** Could you please tell me about that?

11 **A.** We had a pretrial meeting in approximately 2019. I had
12 reviewed by FD-302, but while we were preparing I
13 misremembered the \$30,000-a-month amount as \$3 million.

14 **Q.** And why might you have misremembered it?

15 **A.** I just didn't review my FD-302 with enough detail.

16 **Q.** And was there a later meeting where you recalled the
17 exact amount?

18 **A.** Yes.

19 **Q.** Did you subsequently review your FD-302?

20 **A.** Yes.

21 **Q.** Did you subsequently review your notes?

22 **A.** Yes.

23 **Q.** And did you see any mention of a 3-million-dollar number?

24 **A.** No.

25 **Q.** If Mr. Dallmann had mentioned \$3 million in profits from

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 the aviation business, would you have included it?

2 **A.** Yes.

3 Q. After Mr. Dallmann could only identify two customers of
4 the aviation services business, did you ask him whether
5 Jetflix was, in fact, committing copyright infringement?

6 **A.** Yes.

7 Q. And what did he say?

8 **A.** He said he believed there was a gray area but that he
9 believed he was engaged in what he termed secondary
10 infringement.

11 Q. Now, you mentioned you're the supervisor of the bank
12 fraud and money laundering. Have you ever heard of secondary
13 infringement?

14 **A.** No.

15 Q. Did you ask whether Mr. Dallmann had permission to stream
16 TV shows through Jetflix?

17 **A.** Yes.

18 Q. And what did Mr. Dallmann say?

19 **A.** He said no.

20 Q. Did you ask him if he knew how to get permission to
21 stream?

22 **MS. MARTIN:** I've actually been patient. He's --

23 **THE COURT:** Well, just give me the objection,
24 Ms. Martin.

25 **MS. MARTIN:** The objection is leading, Your Honor. I

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 think there are better ways to phrase the questions as to what
2 happened or what did you ask next. But right now he's been
3 leading --

4 (Reporter instruction.)

5 **THE COURT:** Okay. The objection is leading. I'll
6 let him respond.

7 **MS. MARTIN:** Yes, Your Honor.

8 **MR. CHRISTIN:** Your Honor, I'm asking him if he's
9 asked specific questions. We can sit here and ask what
10 happened next, what happened next, but I'm not saying did
11 Mr. Dallmann --

12 **THE COURT:** I appreciate that, but the objection's
13 sustained. It may take a little bit more time, Mr. Christin,
14 but I'll sustain the objection.

15 **BY MR. CHRISTIN:**

16 Q. Did you have a discussion with Mr. Dallmann on permission
17 to stream?

18 **A.** Yes. I asked Mr. Dallmann if he was streaming shows. He
19 said yes. I asked him if he had permission, and he said no.

20 Q. Did you ask any follow-up questions?

21 **A.** Yes.

22 Q. Do you recall what those follow-up questions might have
23 been?

24 **A.** I think I'd need to refresh my memory.

25 Q. That's fine. Would your FD-302 refresh your memory?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** Yes.

2 **Q.** Okay.

3 **MR. CHRISTIN:** Court's indulgence.

4 **BY MR. CHRISTIN:**

5 **Q.** Supervisory Special Agent Lynch, I'd like to draw your
6 attention to the bottom of the page marked 3986. Do you see
7 that last paragraph?

8 **A.** Yes.

9 **Q.** Could you please read that paragraph --

10 **THE COURT:** We're not reading from it. If you use it
11 to refresh your --

12 **BY MR. CHRISTIN:**

13 **Q.** To yourself, in your head. Could you please read that to
14 yourself, and once your recollection is refreshed, let us know
15 and we will pull that document down.

16 **A.** I'm ready.

17 **Q.** Did you ask any follow-up questions on permissions?

18 **A.** Yes.

19 **Q.** And what did you ask?

20 **A.** I asked him if he was familiar with any rules relating to
21 copyright infringement and streaming of shows. He said he
22 wasn't sure but he assumed it had to do with some sort of
23 licensing.

24 **Q.** Did you ask Mr. Dallmann whether he had been contacted by
25 any copyright owners?

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

Tim Lynch - Direct
2:22-cr-00030-RFB-DJA - May 29, 2024

1 **A.** Yes.

2 **Q.** And what did Mr. Dallmann say?

3 **A.** He said he had received one letter from HBO.

4 **Q.** And did he explain the contents of that letter?

5 **A.** He said that HBO wrote him saying he was illegally
6 streaming three shows and ordering that those shows be taken
7 down. Mr. Dallmann told me that he immediately took those
8 shows down.

9 **Q.** Did you ask him whether anyone else had contacted him
10 about copyright infringement?

11 **A.** Yes.

12 **Q.** And what did he say about that?

13 **A.** He told me PayPal had contacted him.

14 **Q.** And did he say why PayPal contacted him?

15 **A.** PayPal accused him of using his sight to conduct illegal
16 streaming. He told me that he tried to rectify it with PayPal
17 and provide them all his documentation, but no one from PayPal
18 ever got back to him.

19 **Q.** At this stage of the interview, are you still asking
20 open-ended or more direct questions?

21 **A.** More direct.

22 **Q.** And as you begin to ask more direct questions, what
23 happened?

24 **A.** He becomes more nervous and more guarded in his
25 responses.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Q. How soon after asking him direct questions about HBO and
2 PayPal did Mr. Dallmann request a break?

3 A. Relatively quickly.

4 MR. CHRISTIN: Your Honor has indicated a hard stop
5 at 4:00. This is a good breaking point if that's okay with
6 Your Honor? Or I can continue.

7 THE COURT: Sure. It's five minutes -- no, this is
8 fine if this is a good breaking point as it relates to
9 questioning.

10 So unless an objection, we'll break about five
11 minutes early. I assume there's no objection from the
12 defense, and I'm sure the jury wouldn't mind leaving a few
13 minutes early.

14 So, ladies and gentlemen, I'm going to excuse you for
15 the afternoon. We will get started at 8:30 tomorrow. Be here
16 around 8:15. Again, you've all been great. You've said the
17 magic words. Pretty much said my name accurately -- which I
18 appreciate -- my clerks tell me.

19 And, again, we'll end tomorrow at 3:30. At 3:30.
20 We'll take a lunch break and we'll take some breaks in the
21 middle, but we'll end tomorrow at 3:30.

22 And, again, if any of you need letters to confirm
23 your service as it relates to being on this jury, I'm happy to
24 personally sign those letters for you on my stationary to make
25 sure that anyone who needs to be made aware is aware of the

2:22-cr-00030-RFB-DJA - May 29, 2024

1 fact that you're sitting on a federal case. And I'm happy to
2 do that to let them know that. If you -- if you do need such
3 a letter, please, when you recess, let my deputy know and to
4 whom it should be addressed. Or I can do a to whom it
5 concerns letter. But I will sign a letter on my stationary
6 which explicitly indicates that you're servicing on this jury,
7 and if they need to confirm that, they can contact my
8 chambers. Or if they want to come to court, I'm happy to
9 confirm that with them directly. But any of you who may need
10 such a letter, please feel free, we are happy to provide it
11 because we appreciate your service. We know this is a long
12 trial. If at any point in time you need any clarification or
13 you need an employer or someone else to be able to confirm
14 that you are, in fact, here, I will gladly do that. And they
15 are welcome to come here and have me do it in person. So just
16 let us know when we recess.

17 But, again, thank you for your time today. We
18 appreciate your time and focus. We'll see you tomorrow.
19 Again, try to be here by 8:15. We'll have some doughnuts and
20 refreshments there for you. Thank you, again. Have a great
21 afternoon. We'll be adjourned for you-all.

22 **COURTROOM ADMINISTRATOR:** Ladies and gentlemen,
23 please rise.

24 *(Jury out at 3:58 p.m.)*

25 **THE COURT:** Please be seated.

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Special Agent Lynch, you can step down from the
2 witness box.

3 **THE WITNESS:** Thank you, Your Honor.

4 **THE COURT:** So we will get started at 8:30 tomorrow.
5 I'd ask for you-all to be here at 8:00. Hold on one moment.
6 Okay. Okay. Okay. And so we will start again tomorrow at
7 8:30 with the testimony. I'll ask you-all to be here at
8 8:00 o'clock, and then we will have a hard stop at
9 3:30 tomorrow. I do have a hearing in the afternoon. So I
10 will need you-all to make some room over here. We'll figure
11 out how we do that tomorrow afternoon.

12 Anything we need to address today before we adjourn?

13 **MR. CHRISTIN:** Nothing from the Government,
14 Your Honor. Thank you.

15 **THE COURT:** Okay. From the defense, anything?

16 **MS. ARMENI:** Your Honor, is the Court going to make a
17 decision on the two jurors?

18 **THE COURT:** I am going to think about that. I will
19 let you know. If you have a particular position, Ms. Armeni,
20 as it relates to the jurors, you can let me know.

21 What I'm inclined to do is to bring back Juror
22 Number 61 and ask him if he still wishes to be removed from
23 the jury and we can remove him. He seemed to be attentive
24 today, taking notes. And sometimes people, after they've had
25 the experience, may change their mind. I don't know if that's

2:22-cr-00030-RFB-DJA - May 29, 2024

1 the case for him or not. He mentioned the one day that he was
2 going to be out, but we can potentially accommodate that. I'd
3 hate to lose a juror if he changed his mind. So unless
4 you-all think otherwise, I think it may be appropriate for me
5 to question him tomorrow morning when he returns. I believe I
6 did tell him that I'd let him know either this afternoon or
7 tomorrow morning as it relates to that.

8 So is there any particular position? I mean, the
9 other thing that we can do honestly is we could simply excuse
10 him, and then we wouldn't have to explain necessarily to the
11 other jurors why he was excused. We could simply excuse him,
12 and they would simply know that he was gone without any
13 further explanation.

14 But I don't have a particular preferred approach, but
15 he did seem to be attentive and paying attention. I just
16 wanted to give him a chance to reconsider.

17 Does anyone have any particular thoughts one way or
18 the other?

19 **MS. BLISS:** Your Honor, I think that if he knows that
20 you can accommodate the date where he needs to be I think in
21 Los Angeles for something, I think if he knows that -- because
22 he did seem very attentive to me as well.

23 **THE COURT:** Mr. Christin?

24 **MR. CHRISTIN:** Your Honor, I would say with respect
25 to the schedule that we are, as the Government -- as

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Your Honor has made clear, the Government has a time frame,
2 and we have a holiday in the middle of this trial and a dark
3 Friday at least. And to take off another day to accommodate a
4 juror to go out of town may inhibit the Government from
5 finishing its case and the defense from finishing its case
6 before Ms. Armeni's vacation on July 5th.

7 **THE COURT:** That's true. But that's further down the
8 road, Mr. Christin. I'm just saying as it relates to what he
9 said to us today. You're right. We may need to do that. I
10 just think -- I have a concern about excusing him so early at
11 this point in time if he wants to stay on. If he decides and
12 he still thinks it's going to be difficult, then he can let us
13 know tomorrow and then we can excuse him. But I'm inclined to
14 do that. And I understand that we may have to release him
15 later if we are behind schedule, but if he remains on the
16 jury, I would fully anticipate the possibility that we could
17 potentially accommodate an additional day. But I'd rather
18 just keep him and ask him if he wants to stay.

19 Any other thoughts from counsel?

20 **MS. MURALIDHARA:** No other thoughts, Your Honor, but
21 a question. If the Government is amenable to letting us know
22 which witnesses they intend on calling tomorrow after S.A.
23 Lynch just for scheduling preparation purposes?

24 **THE COURT:** I think we have a schedule. I assume
25 it's in an order that they had previously sent.

2:22-cr-00030-RFB-DJA - May 29, 2024

1 **MS. MURALIDHARA:** No. We had a brief conversation
2 during one of the breaks that things had kind of gotten a
3 little switched because we are maybe a day behind the intended
4 schedule.

5 **THE COURT:** Well, is it they're switched because of
6 when they're going to testify or the order? If we can have
7 the Government clarify that. Is it simply that there's a
8 difference in the day because of our being behind schedule or
9 is it that they're changed in the order as well?

10 **MR. CHRISTIN:** Your Honor, sitting here right now, I
11 believe that the witness schedule we filed still remains
12 accurate right now. And so tomorrow would be Special Agent
13 Umphress and Special Agent Cox following Supervisory
14 Special Agent Lynch, which is as it's reflected in the witness
15 list.

16 **THE COURT:** So what I hear you saying is that the
17 order will be the same. The days might be slightly different
18 because of when we started. But as far as you know for right
19 now, the order of the witnesses you presented will be the same
20 as what you've presented to defense counsel?

21 **MR. CHRISTIN:** For tomorrow, Your Honor, yes. And I
22 believe for Friday as well. We have unfortunately had to
23 contemplate a switch from Monday. We would anticipate that
24 Special Agent Jeff Schurott is going to be moving up to Monday
25 along with Jake Phillips from Stripe on that Monday or

2:22-cr-00030-RFB-DJA - May 29, 2024

1 Tuesday.

2 Monday is a very challenging day because a lot of the
3 witnesses have a conflict on that day. I think it maybe is
4 graduation weekend. I'm not sure what's happening. But -- so
5 the adjustment that we've made would be to have Special Agent
6 Schurott and Jake Phillips to testify on Monday and/or
7 Tuesday. And as a part of that we would be asking Your Honor
8 to conditionally admit some of the exhibits that Special Agent
9 Schurott would be testifying to. Otherwise, the Government
10 will not have a witness on Monday.

11 **THE COURT:** Okay. Well, let's address that then on
12 Friday. We'll set aside some time to be able to do that. But
13 as it relates to tomorrow and Friday, the order should be the
14 same; is that correct?

15 **MR. CHRISTIN:** Yes, Your Honor.

16 **THE COURT:** All right. So what we will do is we'll
17 take -- we'll set aside a time -- and I'll let the jurors know
18 this later. We'll -- we will stop earlier than -- because I
19 have something on Friday already. We'll stop a little bit
20 early. Let's say around, oh, 2:15 or so, so we can handle
21 this evidentiary issue on Friday.

22 **MR. CHRISTIN:** Understood. That's the Friday time,
23 2:00 or 2:15?

24 **THE COURT:** That's when we'll end because I want to
25 be able to address these issues as it relates to these

2:22-cr-00030-RFB-DJA - May 29, 2024

1 witnesses.

2 **MR. CHRISTIN:** Yes, Your Honor.

3 **THE COURT:** And it would be helpful, Mr. Christin, if
4 you were to provide to the Court and to counsel Thursday,
5 tomorrow, the exhibits that you're going to ask for me to be
6 conditionally admitting that way we are all prepared and we're
7 not getting them on that same day, Friday.

8 **MR. CHRISTIN:** Absolutely.

9 **THE COURT:** Okay. All right. Anything else we need
10 to handle? Ms. Armeni?

11 **MS. ARMENI:** Sorry, Your Honor. This was part of the
12 original request when I was talking. So we had two jurors.
13 So Number 57 was also the one that --

14 **THE COURT:** I was going to get to that. I wasn't
15 sure if we had any issues about the order of the witnesses.

16 **MS. ARMENI:** Okay. I'm sorry. I thought --

17 **THE COURT:** I want to make sure the order -- because
18 that was brought up about the order of the witnesses, too.
19 I'll come back to Juror Number 57. But I want to make sure we
20 handle the one topic.

21 Anything else as it relates to the order of the
22 witnesses? Any information about the Monday testimony? Okay.

23 Now, Ms. Armeni, Juror Number 57.

24 **MS. ARMENI:** Yes, Your Honor.

25 **THE COURT:** Okay. And so, again, I take it you're

2:22-cr-00030-RFB-DJA - May 29, 2024

1 simply reiterating your request that the juror be removed for
2 cause because you believe that you won't be able to -- or we
3 will not be able to accurately determine the juror's thoughts
4 as it relates to Mr. Courson?

5 **MS. ARMENI:** That's right, Your Honor. In light of
6 the opening and the exhibits that's been stipulated into
7 regarding his work at Target, yes.

8 **THE COURT:** Well, why wouldn't that be addressed with
9 me simply bringing -- or back in and saying, assuming that
10 Mr. Courson was someone that you worked with at target, right,
11 is there anything about you working with him or knowing him
12 that would prevent you from being fair and impartial in this
13 jury?

14 **MS. ARMENI:** And I understand the Court's question.
15 I think the Court touched on what I had said earlier, which is
16 today the answer may be, no, I don't remember anything so, no,
17 it's not going to affect me. My concern is when she starts
18 hearing -- the more she's here, she may start to have a
19 recollection, and I don't anticipate the Court's going to ask
20 her every day if her recollection has changed.

21 And we also don't know, frankly, what the
22 circumstances were that she left Target. If she resigned, if
23 she got fired. Depending on -- it's my understanding that
24 Mr. Courson at times may have input on termination of
25 employees. So we just don't have all those facts.

2:22-cr-00030-RFB-DJA - May 29, 2024

1 **THE COURT:** So are there -- I mean, we could ask her
2 questions. We could simply ask her, again, what she recalls
3 about him from Target, to let her know that he, in fact, did
4 work there so she may have interacted with him, and ask her
5 whether or not she recalls anything about that interaction and
6 see what she says.

7 I do think it would be helpful to have more specific
8 information now that we know and she knows that, in fact, he
9 worked there. Because I will tell you, had she disclosed this
10 or been aware of this during -- early on in the voir dire, we
11 could have asked her, and I don't know that she would be able
12 to be excluded for cause simply because she might have
13 interacted with a particular defendant without there being any
14 particular positive or negative recollection with respect to
15 that.

16 And so I want to take a moment to sort of think about
17 and look at some of the case law as it relates to that. If
18 you have a particular case law you want me to review, I will
19 do so. But I will bring her back in and ask her some
20 follow-up questions now that we know and she knows that, in
21 fact, Mr. Courson worked at Target. Okay?

22 **MS. ARMENI:** Okay.

23 **THE COURT:** All right. Thank you.

24 **MR. CHRISTIN:** Your Honor, if I may just make a
25 statement about this. I think it's important for the first

2:22-cr-00030-RFB-DJA - May 29, 2024

1 question to ask where -- which Target she worked at. I mean,
2 I understand that Mr. Courson worked at a Target in Las Vegas.
3 I think there's more than one. It is possible that she is
4 mistaken and we're assuming that she actually -- that they
5 worked at the same Target.

6 Now, I also understand that it's maybe likely that
7 they worked at the same Target because she maybe thinks that
8 she recognizes him, but I don't think it's any different from
9 the two individuals yesterday who raised their hand saying
10 that they knew about Jetflixs, they read about it in the
11 news, but that's not going to affect whether they can be fair
12 and impartial. And I think she's given those same responses.

13 So absent a change in those responses, I don't think
14 she should be struck for cause.

15 **THE COURT:** Okay. Well, I think we need to get more
16 information now that we have confirmed that, and I'll ask her
17 tomorrow information about what she recalls. And we can do
18 that tomorrow either in the morning or during a break.

19 So I'll think about the timing of that as it relates
20 to our schedule depending on where we are. I may not do it
21 directly in the morning. I may do it in the afternoon, but
22 I've given very specific instructions which I believe so far
23 as it relates to discussing that with the jurors. So I'm
24 concerned about that. It's really about when it's appropriate
25 for us to do it in terms of the timing of our schedule

2:22-cr-00030-RFB-DJA - May 29, 2024

1 tomorrow. But I will make a decision about her as well as
2 Juror Number 61 tomorrow.

3 Anything else we need to address? Okay.

4 If nothing else, we will be adjourned until tomorrow
5 morning. Thank you. I'm going to sit on the bench for a few
6 minutes.

7 *(Proceedings adjourned at 4:11 p.m.)*

8 --o0o--

9 COURT REPORTER'S CERTIFICATE

10
11 I, AMBER M. McCLANE, Official Court Reporter, United
12 States District Court, District of Nevada, Las Vegas, Nevada,
13 do hereby certify that pursuant to 28 U.S.C. § 753 the
14 foregoing is a true, complete, and correct transcript of the
15 proceedings had in connection with the above-entitled matter.

16
17 DATED: 5/29/2024

18 /s/ Amber M. McClane
19 AMBER McCLANE, RPR, CRR, CCR #914
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
Amber McClane, RPR, CRR, CCR #914